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THE AGNOSTIC'S SIDE.*

BY ROBERT G. INGERSOLL.

"Doubt is called the beacon of the wise."

MY DEAR MR. FIELD:

I ANSWER your letter because it is manly, candid and generous. It is not often that a minister of the gospel of universal benevolence speaks of an unbeliever except in terms of reproach, contempt and hatred. The meek are often malicious. The statement in your letter, that some of your brethren look upon me as a monster on account of my unbelief, tends to show that those who love God are not always the friends of their fellow men.

Is it not strange that people who admit that they ought to be eternally damned, that they are by nature totally depraved, and that there is no soundness or health in them, can be so arrogantly egotistic as to look upon others as "monsters?" And yet "some of your brethren," who regard unbelievers as infamous, rely for salvation entirely on the goodness of another, and expect to receive as alms an eternity of joy.

*This article was published in the NORTH AMERICAN REVIEW in November, 1887, in reply to an open letter addressed to Colonel Ingersoll by the Rev. Dr. Henry M. Field and published in the REVIEW in August of the same year.—EDITOR N. A. R.

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The first question that arises between us, is as to the innocence of honest error—as to the right to express an honest thought.

You must know that perfectly honest men differ on many important subjects. Some believe in free trade, others are the advocates of protection. There are honest Democrats and sincere Republicans. How do you account for these differences? Educated men, presidents of colleges, cannot agree upon questions capable of solution—questions that the mind can grasp, concerning which the evidence is open to all and where the facts can be with accuracy ascertained. How do you explain this? If such differences can exist consistently with the good faith of those who differ, can you not conceive of honest people entertaining different views on subjects about which nothing can be positively known?

You do not regard me as a monster. "Some of your brethren" do. How do you account for this difference? Of course, your brethren—their hearts having been softened by the Presbyterian God—are governed by charity and love. They do not regard me as a monster because I have committed an infamous crime, but simply for the reason that I have expressed my honest thoughts.

What should I have done? I have read the Bible with great care, and the conclusion has forced itself upon my mind not only that it is not inspired, but that it is not true. Was it my duty to speak or act contrary to this conclusion? Was it my duty to remain silent? If I had been untrue to myself, if I had joined the majority—if I had declared the book to be the inspired word of God—would your brethren still have regarded me as a monster? Has religion had control of the world so long that an honest man seems monstrous?

According to your creed—according to your Bible—the same Being who made the mind of man, who fashioned every brain, and sowed within those wondrous fields the seeds of every thought and deed, inspired the Bible's every word, and gave it as a guide to all the world. Surely the book should satisfy the brain. And yet, there are millions who do not believe in the inspiration of the Scriptures. Some of the greatest and best have held the claim of inspiration in contempt. No Presbyterian ever stood higher in the realm of thought than Humboldt. He was familiar with

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Nature from sands to stars, and gave his thoughts, his discoveries and conclusions, "more precious than the tested gold," to all mankind. Yet he not only rejected the religion of your brethren, but denied the existence of their God. Certainly, Charles Darwin was one of the greatest and purest of men,—as free from prejudice as the mariner's compass,—desiring only to find amid the mists and clouds of ignorance the star of truth. No man ever exerted a greater influence on the intellectual world. His discoveries, carried to their legitimate conclusion, destroy the creeds and sacred scriptures of mankind. In the light of "Natural Selection," "The Survival of the Fittest," and "The Origin of Species," even the Christian religion becomes a gross and cruel superstition. Yet Darwin was an honest, thoughtful, brave and generous man.

Compare, I beg of you, these men, Humboldt and Darwin, with the founders of the Presbyterian Church. Read the life of Spinoza, the loving pantheist, and then that of John Calvin, and tell me, candidly, which, in your opinion, was a "monster." Even your brethren do not claim that men are to be eternally punished for having been mistaken as to the truth of geology, astronomy, or mathematics. A man may deny the rotundity and rotation of the earth, laugh at the attraction of gravitation, scout the nebular hypothesis, and hold the multiplication table in abhorrence, and yet join at last the angelic choir. I insist upon the same freedom of thought in all departments of human knowledge. Reason is the supreme and final test.

If God has made a revelation to man, it must have been addressed to his reason. There is no other faculty that could even decipher the address. I admit that reason is a small and feeble flame, a flickering torch by stumblers carried in the starless night, —blown and flared by passion's storm,—and yet it is the only light. Extinguish that, and nought remains.

You draw a distinction between what you are pleased to call "superstition" and religion. You are shocked at the Hindoo mother when she gives her child to death at the supposed command of her God. What do you think of Abraham, of Jephthah? What is your opinion of Jehovah himself? Is not the sacrifice of a child to a phantom as horrible in Palestine as in India? Why should a God demand a sacrifice from man? Why should the infinite ask anything from the finite? Should the sun beg of the

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glow-worm, and should the momentary spark excite the envy of the source of light?

You must remember that the Hindoo mother believes that her child will be forever blest—that it will become the especial care of the God to whom it has been given. This is a sacrifice through a false belief on the part of the mother. She breaks her heart for the love of her babe. But what do you think of the Christian mother who expects to be happy in heaven, with her child a convict in the eternal prison—a prison in which none die, and from which none escape? What do you say of those Christians who believe that they, in heaven, will be so filled with ecstasy that all the loved of earth will be forgotten—that all the sacred relations of life, and all the passions of the heart, will fade and die, so that they will look with stony, unreplying, happy eyes upon the miseries of the lost?

You have laid down a rule by which superstition can be distinguished from religion. It is this: "It makes that a crime which is not a crime, and that a virtue which is not a virtue." Let us test your religion by this rule.

Is it a crime to investigate, to think, to reason, to observe? Is it a crime to be governed by that which to you is evidence, and is it infamous to express your honest thought? There is also another question: Is credulity a virtue? Is the open mouth of ignorant wonder the only entrance to Paradise?

According to your creed, those who believe are to be saved, and those who do not believe are to be eternally lost. When you condemn men to everlasting pain for unbelief, that is to say, for acting in accordance with that which is evidence to them—do you not make that a crime which is not a crime? And when you reward men with an eternity of joy for simply believing that which happens to be in accord with their minds, do you not make that a virtue which is not a virtue? In other words, do you not bring your own religion exactly within your own definition of superstition?

The truth is, that no one can justly be held responsible for his thoughts. The brain thinks without asking our consent. We believe, or we disbelieve, without an effort of the will. Belief is a result. It is the effect of evidence upon the mind. The scales turn in spite of him who watches. There is no opportunity of being honest or dishonest in the formation of an opinion. The

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conclusion is entirely independent of desire. We must believe, or we must doubt, in spite of what we wish.

That which must be, has the right to be.

We think in spite of ourselves. The brain thinks as the heart beats, as the eyes see, as the blood pursues its course in the old accustomed ways.

The question then is, not have we the right to think,—that being a necessity,—but have we the right to express our honest thoughts? You certainly have the right to express yours, and you have exercised that right. Some of your brethren, who regard me as a monster, have expressed theirs. The question now is, have I the right to express mine? In other words, have I the right to answer your letter? To make that a crime in me which is a virtue in you, certainly comes within your definition of superstition. To exercise a right yourself which you deny to me is simply the act of a tyrant. Where did you get your right to express your honest thoughts? When, and where, and how did I lose mine?

You would not burn, you would not even imprison me, because I differ with you on a subject about which neither of us knows anything. To you the savagery of the Inquisition is only a proof of the depravity of man. You are far better than your creed. You believe that even the Christian world is outgrowing the frightful feeling that fagot, and dungeon, and thumb-screw are legitimate arguments, calculated to convince those upon whom they are used, that the religion of those who use them was founded by a God of infinite compassion. You will admit that he who now persecutes for opinion's sake is infamous. And yet, the God you worship will, according to your creed, torture through all the endless years the man who entertains an honest doubt. A belief in such a God is the foundation and cause of all religious persecution. You may reply that only the belief in a false God causes believers to be inhuman. But you must admit that the Jews believed in the true God, and you are forced to say that they were so malicious, so cruel, so savage, that they crucified the only Sinless Being who ever lived. This crime was committed, not in spite of their religion, but in accordance with it. They simply obeyed the command of Jehovah. And the followers of this Sinless Being, who, for all these centuries, have denounced the cruelty of the Jews for crucifying a man on account of his opinion,

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have destroyed millions and millions of their fellow men for differing with them. And this same Sinless Being threatens to torture in eternal fire countless myriads for the same offence. Beyond this, inconsistency cannot go. At this point absurdity becomes infinite.

Your creed transfers the Inquisition to another world, making it eternal. Your God becomes, or rather is, an infinite Torquemada, who denies to his countless victims even the mercy of death. And this you call "a consolation."

You insist that at the foundation of every religion is the idea of God. According to your creed, all ideas of God, except those entertained by those of your faith, are absolutely false. You are not called upon to defend the Gods of the nations dead, nor the Gods of heretics. It is your business to defend the God of the Bible—the God of the Presbyterian Church. When in the ranks doing battle for your creed, you must wear the uniform of your Church. You dare not say that it is sufficient to insure the salvation of a soul to believe in *a* god, or in *some* god. According to your creed, man must believe in *your* God. All the nations dead believed in Gods, and all the worshippers of Zeus, and Jupiter, and Isis, and Osiris, and Brahma prayed and sacrificed in vain. Their petitions were not answered, and their souls were not saved. Surely you do not claim that it is sufficient to believe in any one of the heathen gods.

What right have you to occupy the position of the deists, and to put forth arguments that even Christians have answered? The deist denounced the God of the Bible because of his cruelty, and at the same time lauded the God of Nature. The Christian replied that the God of Nature was as cruel as the God of the Bible. This answer was complete.

I feel that you are entitled to the admission that none have been, that none are, too ignorant, too degraded, to believe in the supernatural; and I freely give you the advantage of this admission. Only a few—and they among the wisest, noblest, and purest of the human race—have regarded all gods as monstrous myths. Yet a belief in "the true God" does not seem to make men charitable or just. For most people, theism is the easiest solution of the universe. They are satisfied with saying that there must be a Being who created and who governs the world. But the universality of a belief does not tend to establish its truth.

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The belief in the existence of a malignant Devil has been as universal as the belief in a beneficent God, yet few intelligent men will say that the universality of this belief in an infinite demon even tends to prove his existence. In the world of thought, majorities count for nothing. Truth has always dwelt with the few.

Man has filled the world with impossible monsters, and he has been the sport and prey of these phantoms born of ignorance and hope and fear. To appease the wrath of these monsters man has sacrificed his fellow man. He has shed the blood of wife and child; he has fasted and prayed; he has suffered beyond the power of language to express, and yet he has received nothing from these gods—they have heard no supplication, they have answered no prayer.

You may reply that your God "sends his rain on the just and on the unjust," and that this fact proves that he is merciful to all alike. I answer, that your God sends his pestilence on the just and on the unjust—that his earthquakes devour and his cyclones rend and wreck the loving and the vicious, the honest and the criminal. Do not these facts prove that your God is cruel to all alike? In other words, do they not demonstrate the absolute impartiality of the divine negligence?

Do you not believe that any honest man of average intelligence, having absolute control of the rain, could do vastly better than is being done? Certainly there would be no droughts or floods; the crops would not be permitted to wither and die, while rain was being wasted in the sea. Is it conceivable that a good man with power to control the winds would not prevent cyclones? Would you not rather trust a wise and honest man with the lightning?

Why should an infinitely wise and powerful God destroy the good and preserve the vile? Why should he treat all alike here, and in another world make an infinite difference? Why should your God allow his worshippers, his adorers, to be destroyed by his enemies? Why should he allow the honest, the loving, the noble, to perish at the stake? Can you answer these questions? Does it not seem to you that your God must have felt a touch of shame when the poor slave mother—one that had been robbed of her babe—knelt and with clasped hands, in a voice broken with sobs, commenced her prayer with the words "Our Father?"

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It gave me pleasure to find that, notwithstanding your creed, you are philosophical enough to say that some men are incapacitated, by reason of temperament, for believing in the existence of God. Now, if a belief in God is necessary to the salvation of the soul, why should God create a soul without this capacity? Why should he create souls that he knew would be lost? You seem to think that it is necessary to be poetical, or dreamy, in order to be religious, and by inference, at least, you deny certain qualities to me that you deem necessary. Do you account for the atheism of Shelley by saying that he was not poetic, and do you quote his lines to prove the existence of the very God whose being he so passionately denied? Is it possible that Napoleon—one of the most infamous of men—had a nature so finely strung that he was sensitive to the divine influences? Are you driven to the necessity of proving the existence of one tyrant by the words of another? Personally, I have but little confidence in a religion that satisfied the heart of a man who, to gratify his ambition, filled half the world with widows and orphans. In regard to Agassiz, it is just to say that he furnished a vast amount of testimony in favor of the truth of the theories of Charles Darwin, and then denied the correctness of these theories—preferring the good opinion of Harvard for a few days to the lasting applause of the intellectual world.

I agree with you that the world is a mystery, not only, but that everything in Nature is equally mysterious, and that there is no way of escape from the mystery of life and death. To me, the crystallization of the snow is as mysterious as the constellations. But when you endeavor to explain the mystery of the universe by the mystery of God, you do not even exchange mysteries—you simply make one more.

Nothing can be mysterious enough to become an explanation.

The mystery of man cannot be explained by the mystery of God. That mystery still asks for explanation. The mind is so that it cannot grasp the idea of an infinite personality. That is beyond the circumference. This being so, it is impossible that man can be convinced by any evidence of the existence of that which he cannot in any measure comprehend. Such evidence would be equally incomprehensible with the incomprehensible fact sought to be established by it, and the intellect of man can grasp neither the one nor the other.

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You admit that the God of Nature—that is to say, your God—is as inflexible as Nature itself. Why should man worship the inflexible? Why should he kneel to the unchangeable? You say that your God "does not bend to human thought any more than to human will," and that "the more we study him, the more we find that he is not what we imagined him to be." So that, after all, the only thing you are really certain of in relation to your God is, that he is not what you think he is. Is it not almost absurd to insist that such a state of mind is necessary to salvation, or that it is a moral restraint, or that it is the foundation of social order?

The most religious nations have been the most immoral, the cruelest and the most unjust. Italy was far worse under the Popes than under the Cæsars. Was there ever a barbarian nation more savage than the Spain of the sixteenth century? Certainly you must know that what you call religion has produced a thousand civil wars, and has severed with the sword all the natural ties that produce "the unity and married calm of States." Theology is the fruitful mother of discord; order is the child of reason. If you will candidly consider this question—if you will for a few moments forget your preconceived opinions—you will instantly see that the instinct of self-preservation holds society together. Religion itself was born of this instinct. People, being ignorant, believed that the Gods were jealous and revengeful. They peopled space with phantoms that demanded worship and delighted in sacrifice and ceremony, phantoms that could be flattered by praise and changed by prayer. These ignorant people wished to preserve themselves. They supposed that they could in this way avoid pestilence and famine, and postpone perhaps the day of death. Do you not see that self-preservation lies at the foundation of worship? Nations, like individuals, defend and protect themselves. Nations, like individuals, have fears, have ideals, and live for the accomplishment of certain ends. Men defend their property because it is of value. Industry is the enemy of theft. Men, as a rule desire to live, and for that reason murder is a crime. Fraud is hateful to the victim. The majority of mankind work and produce the necessities, the comforts, and the luxuries of life. They wish to retain the fruits of their labor. Government is one of the instrumentalities for the preservation of what man deems of value.

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This is the foundation of social order, and this holds society together.

Religion has been the enemy of social order, because it directs the attention of man to another world. Religion teaches its votaries to sacrifice this world for the sake of that other. The effect is to weaken the ties that hold families and States together. Of what consequence is anything in this world compared with eternal joy?

You insist that man is not capable of self government, and that God made the mistake of filling a world with failures—in other words, that man must be governed not by himself, but by your God, and that your God produces order, and establishes and preserves all the nations of the earth. This being so, your God is responsible for the government of this world. Does he preserve order in Russia? Is he accountable for Siberia? Did he establish the institution of slavery? Was he the founder of the Inquisition?

You answer all these questions by calling my attention to "the retributions of history." What are the retributions of history? The honest were burned at the stake; the patriotic, the generous, and the noble were allowed to die in dungeons; whole races were enslaved; millions of mothers were robbed of their babes. What were the retributions of history? They who committed these crimes wore crowns, and they who justified these infamies were adorned with the tiara.

You are mistaken when you say that Lincoln at Gettysburg said: "Just and true are thy judgments, Lord God Almighty." Something like this occurs in his last inaugural, in which he says, —speaking of his hope that the war might soon be ended,—"If it shall continue until every drop of blood drawn by the lash shall be paid by another drawn with the sword, still it must be said, 'The judgments of the Lord are true and righteous altogether.'" But admitting that you are correct in the assertion, let me ask you one question: Could one standing over the body of Lincoln, the blood slowly oozing from the madman's wound, have truthfully said: "Just and true are thy judgments, Lord God Almighty?"

Do you really believe that this world is governed by an infinitely wise and good God? Have you convinced even yourself of this? Why should God permit the triumph of injustice? Why

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should the loving be tortured? Why should the noblest be destroyed? Why should the world be filled with misery, with ignorance, and with want? What reason have you for believing that your God will do better in another world than he has done and is doing in this? Will he be wiser? Will he have more power? Will he be more merciful?

When I say "your God," of course I mean the God described in the Bible and the Presbyterian Confession of Faith. But again I say, that in the nature of things, there can be no evidence of the existence of an infinite being.

An infinite being must be conditionless, and for that reason there is nothing that a finite being can do that can by any possibility affect the well-being of the conditionless. This being so, men can neither owe nor discharge any debt or duty to an infinite being. The infinite cannot want, and man can do nothing for a being who wants nothing. A conditioned being can be made happy, or miserable, by changing conditions, but the conditionless is absolutely independent of cause and effect.

I do not say that a God does not exist, neither do I say that a God does exist; but I say that I do not know—that there can be no evidence to my mind of the existence of such a being, and that my mind is so that it is incapable of even thinking of an infinite personality. I know that in your creed you describe God as "without body, parts, or passions." This, to my mind, is simply a description of an infinite vacuum. I have had no experience with gods. This world is the only one with which I am acquainted, and I was surprised to find in your letter the expression that "perhaps others are better acquainted with that of which I am so ignorant." Did you, by this, intend to say that you know anything of any other state of existence—that you have inhabited some other planet—that you lived before you were born, and that you recollect something of that other world, or of that other state?

Upon the question of immortality you have done me, unintentionally, a great injustice. With regard to that hope, I have never uttered "a flippant or a trivial" word. I have said a thousand times, and I say again, that the idea of immortality, that, like a sea, has ebbed and flowed in the human heart, with its countless waves of hope and fear beating against the shores and rocks of time and fate, was not born of any book, nor of any creed, nor of any religion. It was born of human affection, and it will

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continue to ebb and flow beneath the mists and clouds of doubt and darkness as long as love kisses the lips of death.

I have said a thousand times, and I say again, that we do not know, we cannot say, whether death is a wall or a door—the beginning, or end, of a day—the spreading of pinions to soar, or the folding forever of wings—the rise or the set of a sun, or an endless life, that brings rapture and love to every one.

The belief in immortality is far older than Christianity. Thousands of years before Christ was born billions of people had lived and died in that hope. Upon countless graves had been laid in love and tears the emblems of another life. The heaven of the New Testament was to be in this world. The dead, after they were raised, were to live here. Not one satisfactory word was said to have been uttered by Christ—nothing philosophic, nothing clear, nothing that adorns, like a bow of promise, the cloud of doubt.

According to the account in the New Testament, Christ was dead for a period of nearly three days. After his resurrection, why did not some one of his disciples ask him where he had been? Why did he not tell them what world he had visited? There was the opportunity to "bring life and immortality to light." And yet he was silent as the grave that he had left—speechless as the stone that angels had rolled away.

How do you acccount for this? Was it not infinitely cruel to leave the world in darkness and in doubt, when one word could have filled all time with hope and light?

The hope of immortality is the great oak round which have climbed the poisonous vines of superstition. The vines have not supported the oak—the oak has supported the vines. As long as men live and love and die, this hope will blossom in the human heart.

All I have said upon this subject has been to express my hope and confess my lack of knowledge. Neither by word nor look have I expressed any other feeling than sympathy with those who hope to live again—for those who bend above their dead and dream of life to come. But I have denounced the selfishness and heartlessness of those who expect for themselves an eternity of joy, and for the rest of mankind predict, without a tear, a world of endless pain. Nothing can be more contemptible than such a hope—a hope that can give satisfaction only to the hyenas of the human race.

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When I say that I do not know—when I deny the existence of perdition, you reply that "there is something very cruel in this treatment of the belief of my fellow creatures."

You have had the goodness to invite me to a grave over which a mother bends and weeps for her only son. I accept your invitation. We will go together. Do not, I pray you, deal in splendid generalities. Be explicit. Remember that the son for whom the loving mother weeps was not a Christian, not a believer in the inspiration of the Bible nor in the divinity of Jesus Christ. The mother turns to you for consolation, for some star of hope in the midnight of her grief. What must you say? Do not desert the Presbyterian creed. Do not forget the threatenings of Jesus Christ. What must you say? Will you read a portion of the Presbyterian Confession of Faith? Will you read this?

"Although the light of Nature, and the works of creation and Providence, do so far manifest the goodness, wisdom, and power of God as to leave man inexcusable, yet they are not sufficient to give that knowledge of God and of his will which is necessary to salvation."

Or, will you read this?

"By the decree of God, for the manifestation of his glory, some men and angels are predestined unto everlasting life and others foreordained to everlasting death. These angels and men, thus predestined and foreordained, are particularly and unchangeably designed, and their number is so certain and definite that it cannot be either increased or diminished."

Suppose the mother, lifting her tear-stained face, should say: "My son was good, generous, loving, and kind. He gave his life for me. Is there no hope for him?" Would you then put this serpent in her breast?

"Men not professing the Christian religion cannot be saved in any other way whatsoever, be they never so diligent to conform their lives according to the light of Nature. We cannot by our best works merit pardon of sin. There is no sin so small but that it deserves damnation. Works done by unregenerate men, although, for the matter of that, they may be things which God commands, and of good use both to themselves and others, are sinful and cannot please God or make a man meet to receive Christ or God."

And suppose the mother should then sobbingly ask: "What has become of my son? Where is he now? Would you still read from your Confession of Faith, or from your Catechism—this?

"The souls of the wicked are cast into hell, where they remain in torment and utter darkness, reserved to the judgment of the great day. At the last day the righteous shall come into everlasting life, but the wicked shall be cast into eternal torment and punished with everlast-

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ing destruction. The wicked shall be cast into hell, to be punished with unspeakable torment, both of body and soul, with the devil and his angels, forever."

If the poor mother still wept, still refused to be comforted, would you thrust this dagger in her heart?

"At the Day of Judgment you, being caught up to Christ in the clouds, shall be seated at his right hand there openly acknowledged and acquitted, and you shall join with him in the damnation of your son."

If this failed to still the beatings of her aching heart, would you repeat these words which you say came from the loving soul of Christ?

"They who believe and are baptized shall be saved, and they who believe not shall be damned; and these shall go away into everlasting fire prepared for the devil and his angels."

Would you not be compelled, according to your belief, to tell this mother that "there is but one name given under heaven and among men whereby" the souls of men can enter the gates of Paradise? Would you not be compelled to say: "Your son lived in a Christian land. The means of grace were within his reach. He died not having experienced a change of heart, and your son is forever lost. You can meet your son again only by dying in your sins; but if you will give your heart to God you can never clasp him to your breast again."

What could I say? Let me tell you.

"My dear madam, this reverend gentleman knows nothing of another world. He cannot see beyond the tomb. He has simply stated to you the superstitions of ignorance, of cruelty and fear. If there be in this universe a God, he certainly is as good as you are. Why should he have loved your son in life—loved him, according to this reverend gentleman, to that degree that he gave his life for him; and why should that love be changed to hatred the moment your son was dead?

"My dear woman, there are no punishments, there are no rewards—there are consequences; and of one thing you may rest assured, and that is, that every soul, no matter what sphere it may inhabit, will have the everlasting opportunity of doing right.

"If death ends all, and if this handful of dust over which you weep is all there is, you have this consolation: Your son is not within the power of this reverend gentleman's God—that is something. Your son does not suffer. Next to a life of joy is the dreamless sleep of death."

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Does it not seem to you infinitely absurd to call orthodox Christianity "a consolation?" Here in this world, where every human being is enshrouded in cloud and mist,—where all lives are filled with mistakes,—where no one claims to be perfect, is it "a consolation" to say that "the smallest sin deserves eternal pain?" Is it possible for the ingenuity of man to extract from the doctrine of hell one drop, one ray, of "consolation?" If that doctrine be true, is not your God an infinite criminal? Why should he have created uncounted billions destined to suffer forever? Why did he not leave them unconscious dust? Compared with this crime, any crime that man can by any possibility commit is a virtue.

Think for a moment of your God,—the keeper of an infinite penitentiary filled with immortal convicts,—your God an eternal turnkey, without the pardoning power. In the presence of this infinite horror, you complacently speak of the atonement,—a scheme that has not yet gathered within its horizon a billionth part of the human race,—an atonement with one-half the world remaining undiscovered for fifteen hundred years after it was made.

If there could be no suffering, there could be no sin. To unjustly cause suffering is the only possible crime. How can a God accept the suffering of the innocent in lieu of the punishment of the guilty?

According to your theory, this infinite being, by his mere will, makes right and wrong. This I do not admit. Right and wrong exist in the nature of things—in the relation they bear to man, and to sentient beings. You have already admitted that "Nature is inflexible, and that a violated law calls for its consequences." I insist that no God can step between an act and its natural effects. If God exists, he has nothing to do with punishment, nothing to do with reward. From certain acts flow certain consequences; these consequences increase or decrease the happiness of man; and the consequences must be borne.

A man who has forfeited his life to the commonwealth may be pardoned, but a man who has violated a condition of his own well-being cannot be pardoned—there is no pardoning power. The laws of the State are made, and, being made, can be changed; but the facts of the universe cannot be changed. The relation of act to consequence cannot be altered. This is above all power, and, consequently, there is no analogy between the laws of the State and the facts in Nature. An infinite God could

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not change the relation between the diameter and circumference of the circle.

A man having committed a crime may be pardoned, but I deny the right of the State to punish an innocent man in the place of the pardoned—no matter how willing the innocent man may be to suffer the punishment. There is no law in Nature, no fact in Nature, by which the innocent can be justly punished to the end that the guilty may go free. Let it be understood once for all: Nature cannot pardon.

You have recognized this truth. You have asked me what is to become of one who seduces and betrays, of the criminal with the blood of his victim upon his hands. Without the slightest hesitation I answer, whoever commits a crime against another must, to the utmost of his power in this world and in another, if there be one, make full and ample restitution, and in addition must bear the natural consequences of his offence. No man can be perfectly happy, either in this world or in any other, who has by his perfidy broken a loving and a confiding heart. No power can step between acts and consequences—no forgiveness, no atonement.

But, my dear friend, you have taught for many years, if you are a Presbyterian, or an evangelical Christian, that a man may seduce and betray, and that the poor victim, driven to insanity, leaping from some wharf at night where ships strain at their anchors in storm and darkness—you have taught that this poor girl may be tormented forever by a God of infinite compassion. This is not all that you have taught. You have said to the seducer, to the betrayer, to the one who would not listen to her wailing cry,—who would not even stretch forth his hand to catch her fluttering garments,—you have said to him: "Believe in the Lord Jesus Christ, and you shall be happy forever; you shall live in the realm of infinite delight, from which you can, without a shadow falling upon your face, observe the poor girl, your victim, writhing in the agonies of hell. You have taught this. For my part, I do not see how an angel in heaven meeting another angel whom he had robbed on the earth, could feel entirely blissful. I go further. Any decent angel, no matter if sitting at the right hand of God, should he see in hell one of his victims, would leave heaven itself for the purpose of wiping one tear from the cheek of the damned.

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You seem to have forgotten your statement in the commencement of your letter, that your God is as inflexible as Nature—that he bends not to human thought nor to human will. You seem to have forgotten the line which you emphasized with italics: "*The effect of everything which is of the nature of a cause, is eternal.*" In the light of this sentence, where do you find a place for forgiveness—for your atonement? Where is a way to escape from the effect of a cause that is eternal? Do you not see that this sentence is a cord with which I easily tie your hands? The scientific part of your letter destroys the theological. You have put "new wine into old bottles," and the predicted result has followed. Will the angels in heaven, the redeemed of earth, lose their memory? Will not all the redeemed rascals remember their rascality? Will not all the redeemed assassins remember the faces of the dead? Will not all the seducers and betrayers remember her sighs, her tears, and the tones of her voice, and will not the conscience of the redeemed be as inexorable as the conscience of the damned?

If memory is to be forever "the warder of the brain," and if the redeemed can never forget the sins they committed, the pain and anguish they caused, then they can never be perfectly happy; and if the lost can never forget the good they did, the kind actions, the loving words, the heroic deeds, and if the memory of good deeds gives the slightest pleasure, then the lost can never be perfectly miserable. Ought not the memory of a good action to live as long as the memory of a bad one? So that the undying memory of the good, in heaven, brings undying pain, and the undying memory of those in hell brings undying pleasure. Do you not see that if men have done good and bad, the future can have neither a perfect heaven nor a perfect hell?

I believe in the manly doctrine that every human being must bear the consequences of his acts, and that no man can be justly saved or damned on account of the goodness or the wickedness of another.

If by atonement you mean the natural effect of self-sacrifice, the effects following a noble and disinterested action; if you mean that the life and death of Christ are worth their effect upon the human race,—which your letter seems to show,—then there is no question between us. If you have thrown away the old and barbarous idea that a law had been broken, that God demanded a

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sacrifice, and that Christ, the innocent, was offered up for us, and that he bore the wrath of God and suffered in our place, then I congratulate you with all my heart.

It seems to me impossible that life should be exceedingly joyous to any one who is acquainted with its miseries, its burdens, and its tears. I know that as darkness follows light around the globe, so misery and misfortune follow the sons of men. According to your creed, the future state will be worse than this. Here, the vicious may reform; here, the wicked may repent; here, a few gleams of sunshine may fall upon the darkest life. But in your future state, for countless billions of the human race, there will be no reform, no opportunity of doing right, and no possible gleam of sunshine can ever touch their souls. Do you not see that your future state is infinitely worse than this? You seem to mistake the glare of hell for the light of morning.

Let us throw away the dogma of eternal retribution. Let us "cling to all that can bring a ray of hope into the darkness of this life."

You have been kind enough to say that I find a subject for caricature in the doctrine of regeneration. If, by regeneration, you mean reformation,—if you mean that there comes a time in the life of a young man when he feels the touch of responsibility, and that he leaves his foolish or vicious ways, and concludes to act like an honest man,—if this is what you mean by regeneration, I am a believer. But that is not the definition of regeneration in your creed—that is not Christian regeneration. There is some mysterious, miraculous, supernatural, invisible agency, called, I believe, the Holy Ghost, that enters and changes the heart of man, and this mysterious agency is like the wind, under the control, apparently, of no one, coming and going when and whither it listeth. It is this illogical and absurd view of regeneration that I have attacked.

You ask me how it came to pass that a Hebrew peasant born among the hills of Galilee, had a wisdom above that of Socrates or Plato, of Confucius or Buddha, and you conclude by saying, "This is the greatest of miracles—that such a being should live and die on the earth."

I can hardly admit your conclusion, because I remember that Christ said nothing in favor of the family relation. As a matter of fact, his life tended to cast discredit upon marriage. He said

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nothing against the institution of slavery; nothing against the tyranny of government; nothing of our treatment of animals; nothing about education, about intellectual progress; nothing of art, declared no scientific truth, and said nothing as to the rights and duties of nations.

You may reply that all this is included in "Do unto others as you would be done by;" and "Resist not evil." More than this is necessary to educate the human race. It is not enough to say to your child or to your pupil, "Do right." The great question still remains: What is right? Neither is there any wisdom in the idea of non-resistance. Force without mercy is tyranny. Mercy without force is but a waste of tears. Take from virtue the right of self-defence, and vice becomes the master of the world.

Let me ask you how it came to pass that an ignorant driver of camels, a man without family, without wealth, became master of hundreds of millions of human beings? How is it that he conquered and overran more than half of the Christian world? How is it that on a thousand fields the banner of the cross went down in blood, while that of the crescent floated in triumph? How do you account for the fact that the flag of this imposter floats to-day above the sepulchre of Christ? Was this a miracle? Was Mohammed inspired? How do you account for Confucius, whose name is known wherever the sky bends? Was he inspired—this man who for many centuries has stood first, and who has been acknowledged the superior of all men by hundreds and thousands of millions of his fellow men? How do you account for Buddha, —in many respects the greatest religious teacher this world has ever known,—the broadest, the most intellectual of them all; he who was great enough, hundreds of years before Christ was born, to declare the universal brotherhood of man, great enough to say that intelligence is the only lever capable of raising mankind? How do you account for him, who has had more followers than any other? Are you willing to say that all success is divine? How do you account for Shakespeare, born of parents who could neither read nor write, held in the lap of ignorance and love, nursed at the breast of poverty—how do you account for him, by far the greatest of the human race, the wings of whose imagination still fill the horizon of human thought; Shakespeare, who was perfectly acquainted with the human heart, knew all depths

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of sorrow, all heights of joy, and in whose mind were the fruit of all thought, of all experience, and a prophecy of all to be; Shakespeare, the wisdom and beauty and depth of whose words increase with the intelligence and civilization of mankind? How do you account for this miracle? Do you believe that any founder of any religion could have written "Lear" or "Hamlet?" Did Greece produce a man who could by any possibility have been the author of "Troilus and Cressida?" Was there among all the countless millions of almighty Rome an intellect that could have written the tragedy of "Julius Cæsar?" Is not the play of "Antony and Cleopatra" as Egyptian as the Nile? How do you account for this man, within whose veins there seemed to be the blood of every race, and in whose brain there were the poetry and philosophy of a world?

You ask me to tell my opinion of Christ. Let me say here, once for all, that for the man Christ—for the man who, in the darkness, cried out, "My God, why hast thou forsaken me?"—for that man I have the greatest possible respect. And let me say, once for all, that the place where man has died for man is holy ground. To that great and serene peasant of Palestine I gladly pay the tribute of my admiration and my tears. He was a reformer in his day—an infidel in his time. Back of the theological mask, and in spite of the interpolations of the New Testament, I see a great and genuine man.

It is hard to see how you can consistently defend the course pursued by Christ himself. He attacked with great bitterness "the religion of others." It did not occur to him that "there was something very cruel in this treatment of the belief of his fellow creatures." He denounced the chosen people of God as a "generation of vipers." He compared them to "whited sepulchres." How can you sustain the conduct of missionaries? They go to other lands and attack the sacred beliefs of others. They tell the people of India and of all heathen lands, not only that their religion is a lie, not only that their gods are myths, but that the ancestors of these people—their fathers and mothers who never heard of God, of the Bible, or of Christ—are all in perdition. Is not this a cruel treatment of the belief of a fellow creature?

A religion that is not manly and robust enough to bear attack with smiling fortitude is unworthy of a place in the heart or brain. A religion that takes refuge in sentimentality, that

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cries out: "Do not, I pray you, tell me any truth calculated to hurt my feelings," is fit only for asylums.

You believe that Christ was God, that he was infinite in power. While in Jerusalem he cured the sick, raised a few from the dead, and opened the eyes of the blind. Did he do these things because he loved mankind, or did he do these miracles simply to establish the fact that he was the very Christ? If he was actuated by love, is he not as powerful now as he was then? Why does he not open the eyes of the blind now? Why does he not with a touch make the leper clean? If you had the power to give sight to the blind, to cleanse the leper, and would not exercise it, what would be thought of you? What is the difference between one who can and will not cure, and one who causes disease?

Only the other day I saw a beautiful girl—a paralytic, and yet her brave and cheerful spirit shone over the wreck and ruin of her body like morning on the desert. What would I think of myself had I the power by a word to send the blood through all her withered limbs freighted again with life, should I refuse?

Most theologians seem to imagine that the virtues have been produced by and are really the children of religion.

Religion has to do with the supernatural. It defines our duties and obligations to God. It prescribes a certain course of conduct by means of which happiness can be attained in another world. The result here is only an incident. The virtues are secular. They have nothing whatever to do with the supernatural, and are of no kindred to any religion. A man may be honest, courageous, charitable, industrious, hospitable, loving, and pure without being religious—that is to say, without any belief in the supernatural; and a man may be the exact opposite and at the same time a sincere believer in the creed of any church—that is to say, in the existence of a personal God, the inspiration of the Scriptures and in the divinity of Jesus Christ. A man who believes in the Bible may or may not be kind to his family, and a man who is kind and loving in his family may or may not believe in the Bible.

In order that you may see the effect of belief in the formation of character, it is only necessary to call your attention to the fact that your Bible shows that the devil himself is a believer in the existence of your God, in the inspiration of the Scriptures, and

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in the divinity of Jesus Christ. He not only believes these things, but he knows them, and yet, in spite of all, he remains a devil still.

Few religions have been bad enough to destroy all the natural goodness in the human heart. In the deepest midnight of superstition some natural virtues, like stars, have been visible in the heavens. Man has committed every crime in the name of Christianity—or at least crimes that involved the commission of all others. Those who paid for labor with the lash, and who made blows a legal tender, were Christians. Those who engaged in the slave trade were believers in a personal God. One slave ship was called "The Jehovah." Those who pursued with hounds the fugitive led by the Northern star prayed fervently to Christ to crown their efforts with success, and the stealers of babes, just before falling asleep, commended their souls to the keeping of the Most High.

As you have mentioned the apostles, let me call your attention to an incident.

You remember the story of Ananias and Sapphira. The apostles, having nothing themselves, conceived the idea of having all things in common. Their followers who had something were to sell what little they had, and turn the proceeds over to these theological financiers. It seems that Ananias and Sapphira had a piece of land. They sold it, and after talking the matter over, not being entirely satisfied with the collaterals, concluded to keep a little—just enough to keep them from starvation if the good and pious bankers should abscond.

When Ananias brought the money, he was asked whether he had kept back a part of the price. He said that he had not. Whereupon God, the compassionate, struck him dead. As soon as the corpse was removed, the apostles sent for his wife. They did not tell her that her husband had been killed. They deliberately set a trap for her life. Not one of them was good enough or noble enough to put her on her guard; they allowed her to believe that her husband had told his story, and that she was free to corroborate what he had said. She probably felt that they were giving more than they could afford, and, with the instinct of woman, wanted to keep a little. She denied that any part of the price had been kept back. That moment the arrow of divine vengeance entered her heart.

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Will you be kind enough to tell me your opinion of the apostles in the light of this story? Certainly murder is a greater crime than mendacity.

You have been good enough, in a kind, fatherly way, to give me some advice. You say that I ought to soften my colors, and that my words would be more weighty if not so strong. Do you really desire that I should add weight to my words? Do you really wish me to succeed? If the commander of one army should send word to the general of the other that his men were firing too high, do you think the general would be misled? Can you conceive of his changing his orders by reason of the message?

I deny that "the Pilgrims crossed the sea to find freedom to worship God in the forests of the new world." They came not in the interest of freedom. It never entered their minds that other men had the same right to worship God according to the dictates of their consciences that the Pilgrims themselves had. The moment they had power they were ready to whip and brand, to imprison and burn. They did not believe in religious freedom. They had no more idea of liberty of conscience than Jehovah.

I do not say that there is no place in the world for heroes and martyrs. On the contrary, I declare that the liberty we now have was won for us by heroes and by martyrs, and millions of these martyrs were burned, or flayed alive, or torn in pieces, or assassinated by the Church of God. The heroism was shown in fighting the hordes of religious superstition.

Giordano Bruno was a martyr. He was a hero. He believed in no God, in no heaven, and in no hell, yet he perished by fire. He was offered liberty on condition that he would recant. There was no God to please, no heaven to expect, no hell to fear, and yet he died by fire, simply to preserve the unstained whiteness of his soul.

For hundreds of years every man who attacked the Church was a hero. The sword of Christianity has been wet for many centuries with the blood of the noblest. Christianity has been ready with whip and chain and fire to banish freedom from the earth.

Neither is it true that "family life withers under the cold sneer—half pity and half scorn—with which I look down on household worship."

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Those who believe in the existence of God, and believe that they are indebted to this divine being for the few gleams of sunshine in this life, and who thank God for the little they have enjoyed, have my entire respect. Never have I said one word against the spirit of thankfulness. I understand the feeling of the man who gathers his family about him after the storm, or after the scourge, or after long sickness, and pours out his heart in thankfulness to the supposed God who has protected his fireside. I understand the spirit of the savage who thanks his idol of stone, or his fetich of wood. It is not the wisdom of the one or of the other that I respect, it is the goodness and thankfulness that prompt the prayer.

I believe in the family. I believe in family life; and one of my objections to Christianity is that it divides the family. Upon this subject I have said hundreds of times, and I say again, that the roof-tree is sacred, from the smallest fibre that feels the soft, cool clasp of earth, to the topmost flower that spreads its bosom to the sun, and like a spendthrift gives its perfume to the air. The home where virtue dwells with love is like a lily with a heart of fire, the fairest flower in all this world.

What did Christianity in the early centuries do for the home? What have nunneries and monasteries, and what has the glorification of celibacy done for the family? Do you not know that Christ himself offered rewards in this world and eternal happiness in another to those who would desert their wives and children and follow him? What effect has that promise had upon family life?

As a matter of fact, the family is regarded as nothing. Christianity teaches that there is but one family, the family of Christ, and that all other relations are as nothing compared with that. Christianity teaches the husband to desert the wife, the wife to desert the husband, the children to desert their parents for the miserable and selfish purpose of saving their own little, shrivelled souls.

It is far better for a man to love his fellow men than to love God. It is better to love wife and children than to love Christ. It is better to serve your neighbor than to serve your God—even if God exists. The reason is palpable. You can do nothing for God. You can do something for wife and children. You can add to the sunshine of a life. You can plant flowers in the pathway of another.

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It is true that I am an enemy of the orthodox Sabbath. It is true that I do not believe in giving one-seventh of our time to the service of superstition. The whole scheme of your religion can be understood by any intelligent man in one day. Why should he waste a seventh of his whole life in hearing the same thoughts repeated again and again?

Nothing is more gloomy than an orthodox Sabbath. The mechanic who has worked during the week in heat and dust, the laboring man who has barely succeeded in keeping his soul in his body, the poor woman who has been sewing for the rich, may go to the village church which you have described. They answer the chimes of the bell, and what do they hear in this village church? Is it that God is the Father of the human race; is that all? If that were all, you never would have heard an objection from my lips. That is not all. If all ministers said: Bear the evils of this life; your Father in heaven counts your tears; the time will come when "pain" and "death" and "grief" will be forgotten words, I should have listened with the rest. What else does the minister say to the poor people who have answered the chimes of your bell? He says: "The smallest sin deserves eternal pain." "A vast majority of men are doomed to suffer the wrath of God forever." He fills the present with fear and the future with fire. He has heaven for the few, hell for the many. He describes a little grass-grown path that leads to heaven, where travellers are "few and far between," and a great highway worn with countless feet that leads to everlasting death.

Such Sabbaths are immoral. Such ministers are the real savages. Gladly would I abolish such a Sabbath. Gladly would I turn it into a holiday, a day of rest and peace, a day to get acquainted with your wife and children, a day to exchange civilities with your neighbors; and gladly would I see the church in which such sermons are preached changed to a place of entertainment. Gladly would I have the echoes of orthodox sermons—the owls and bats among the rafters, the snakes in crevices and corners—driven out by the glorious music of Wagner and Beethoven. Gladly would I see the Sunday-school, where the doctrine of eternal fire is taught, changed to a happy dance upon the village green.

Music refines. The doctrine of eternal punishment degrades. Science civilizes. Superstition looks longingly back to savagery.

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You do not believe that general morality can be upheld without the sanctions of religion.

Christianity has sold, and continues to sell, crime on a credit. It has taught, and it still teaches, that there is forgiveness for all. Of course it teaches morality. It says: "Do not steal, do not murder;" but it adds: "but if you do both, there is a way of escape: believe on the Lord Jesus Christ and thou shalt be saved." I insist that such a religion is no restraint It is far better to teach that there is no forgiveness, and that every human being must bear the consequences of his acts.

The first great step toward national reformation is the universal acceptance of the idea that there is no escape from the consequences of our acts. The young men who come from their country homes into a city filled with temptations, may be restrained by the thought of father and mother. This is a natural restraint. They may be restrained by their knowledge of the fact that a thing is evil on account of its consequences, and that to do wrong is always a mistake. I cannot conceive of such a man being more liable to temptation because he has heard one of my lectures in which I have told him that the only good is happiness—that the only way to attain that good is by doing what he believes to be right. I cannot imagine that his moral character will be weakened by the statement that there is no escape from the consequences of his acts. You seem to think that he will be instantly led astray—that he will go off under the flaring lamps to the riot of passion. Do you think the Bible calculated to restrain him? To prevent this, would you recommend him to read the lives of Abraham, of Isaac, and of Jacob, and the other holy polygamists of the Old Testament? Should he read the life of David, and of Solomon? Do you think this would enable him to withstand temptation? Would it not be far better to fill the young man's mind with facts so that he may know exactly the physical consequences of such acts? Do you regard ignorance as the foundation of virtue? Is fear the arch that supports the moral nature of man?

You seem to think that there is danger in knowledge, and that the best chemists are the most likely to poison themselves.

You say that to sneer at religion is only a step from sneering at morality, and then only another step to that which is vicious and profligate.

The Jews entertained the same opinion of the teachings of

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Christ. He sneered at their religion. The Christians have entertained the same opinion of every philosopher. Let me say to you again—and let me say it once for all—that morality has nothing to do with religion. Morality does not depend upon the supernatural. Morality does not walk with the crutches of miracles. Morality appeals to the experience of mankind. It cares nothing about faith, nothing about sacred books. Morality depends upon facts, something that can be seen, something known, the product of which can be estimated. It needs no priest, no ceremony, no mummery. It believes in the freedom of the human mind. It asks for investigation. It is founded upon truth. It is the enemy of all religion, because it has to do with this world, and with this world alone.

My object is to drive fear out of the world. Fear is the jailer of the mind. Christianity, superstition—that is to say, the supernatural—makes every brain a prison and every soul a convict. Under the government of a personal deity, consequences partake of the nature of punishments and rewards. Under the government of Nature, what you call punishments and rewards are simply consequences. Nature does not punish. Nature does not reward. Nature has no purpose. When the storm comes, I do not think: "This is being done by a tyrant." When the sun shines, I do not say: "This is being done by a friend." Liberty means freedom from personal dictation. It does not mean escape from the relations we sustain to other facts in Nature. I believe in the restraining influences of liberty. Temperance walks hand in hand with freedom. To remove a chain from the body puts an additional responsibility upon the soul. Liberty says to the man: You injure or benefit yourself; you increase or decrease your own well-being. It is a question of intelligence. You need not bow to a supposed tyrant, or to infinite goodness. You are responsible to yourself and to those you injure, and to none other.

I rid myself of fear, believing as I do that there is no power above which can help me in any extremity, and believing as I do that there is no power above or below that can injure me in any extremity. I do not believe that I am the sport of accident, or that I may be dashed to pieces by the blind agency of Nature. There is no accident, and there is no agency. That which happens must happen. The present is the child of all the past, the mother of all the future.

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Does it relieve mankind from fear to believe that there is some God who will help them in extremity? What evidence have they on which to found this belief? When has any God listened to the prayer of any man? The water drowns, the cold freezes, the flood destroys, the fire burns, the bolt of heaven falls —when and where has the prayer of man been answered?

Is the religious world to-day willing to test the efficacy of prayer? Only a few years ago it was tested in the United States. The Christians of Christendom, with one accord, fell upon their knees and asked God to spare the life of one man. You know the result. You know just as well as I that the forces of Nature produce the good and bad alike. You know that the forces of Nature destroy the good and bad alike. You know that the lightning feels the same keen delight in striking to death the honest man that it does or would in striking the assassin with his knife lifted above the bosom of innocence.

Did God hear the prayers of the slaves? Did he hear the prayers of imprisoned philosophers and patriots? Did he hear the prayers of martyrs, or did he allow fiends, calling themselves his followers, to pile the faggots round the forms of glorious men? Did he allow the flames to devour the flesh of those whose hearts were his? Why should any man depend on the goodness of a God who created countless millions, knowing that they would suffer eternal grief?

The faith that you call sacred—"sacred as the most delicate manly or womanly sentiment of love and honor"—is the faith that nearly all of your fellow men are to be lost. Ought an honest man to be restrained from denouncing that faith because those who entertain it say that their feelings are hurt? You say to me: "There is a hell. A man advocating the opinions you advocate will go there when he dies." I answer: "There is no hell. The Bible that teaches it is not true." And you say: "How can you hurt my feelings?"

You seem to think that one who attacks the religion of his parents is wanting in respect to his father and his mother.

Were the early Christians lacking in respect for their fathers and mothers? Were the Pagans who embraced Christianity heartless sons and daughters? What have you to say of the apostles? Did they not heap contempt upon the religion of their fathers and mothers? Did they not join with him who denounced

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their people as a "generation of vipers?" Did they not follow one who offered a reward to those who would desert fathers and mothers? Of course you have only to go back a few generations in your family to find a Field who was not a Presbyterian. After that you find a Presbyterian. Was he base enough and infamous enough to heap contempt upon the religion of his father and mother? All the Protestants in the time of Luther lacked in respect for the religion of their fathers and mothers. According to your idea, Progress is a Prodigal Son. If one is bound by the religion of his father and mother, and his father happens to be a Presbyterian and his mother a Catholic, what is he to do? Do you not see that your doctrine gives intellectual freedom only to foundlings?

If by Christianity you mean the goodness, the spirit of forgiveness, the benevolence claimed by Christians to be a part, and the principal part, of that peculiar religion, then I do not agree with you when you say that "Christ is Christianity and that it stands or falls with him." You have narrowed unnecessarily the foundation of your religion. If it should be established beyond doubt that Christ never existed, all that is of value in Christianity would remain, and remain unimpaired. Suppose we should find that Euclid was a myth, the science known as mathematics would not suffer. It makes no difference who painted or chiselled the greatest pictures and statues, so long as we have the pictures and statues. When he who has given the world a truth passes from the earth, the truth is left. A truth dies only when forgotten by the human race. Justice, love, mercy, forgiveness, honor, all the virtues that ever blossomed in the human heart, were known and practised for uncounted ages before the birth of Christ.

You insist that religion does not leave man in "abject terror" —does not leave him "in utter darkness as to his fate."

Is it possible to know who will be saved? Can you read the names mentioned in the decrees of the Infinite? Is it possible to tell who is to be eternally lost? Can the imagination conceive a worse fate than your religion predicts for a majority of the race? Why should not every human being be in "abject terror" who believes your doctrine? How many loving and sincere women are in the asylums to-day fearing that they have committed "the unpardonable sin"—a sin to which your God has

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attached the penalty of eternal torment, and yet has failed to describe the offence? Can tyranny go beyond this—fixing the penalty of eternal pain for the violation of a law not written, not known, but kept in the secrecy of infinite darkness? How much happier it is to know nothing about it, and to believe nothing about it! How much better to have no God!

You discover a "Great Intelligence ordering our little lives, so that even the trials that we bear, as they call out the finer elements of character, conduce to our future happiness." This is an old explanation—probably as good as any. The idea is, that this world is a school in which man becomes educated through tribulation—the muscles of character being developed by wrestling with misfortune. If it is necessary to live this life in order to develop character, in order to become worthy of a better world, how do you account for the fact that billions of the human race die in infancy, and are thus deprived of this necessary education and development? What would you think of a schoolmaster who should kill a large proportion of his scholars during the first day, before they had even had the opportunity to look at A?

You insist that "there is a power behind Nature making for righteousness."

If Nature is infinite, how can there be a power outside of Nature? If you mean by "a power making for righteousness" that man, as he becomes civilized, as he becomes intelligent, not only takes advantage of the forces of Nature for his own benefit, but perceives more and more clearly that if he is to be happy he must live in harmony with the conditions of his being, in harmony with the facts by which he is surrounded, in harmony with the relations he sustains to others and to things; if this is what you mean, then there is "a power making for righteousness." But if you mean that there is something supernatural back of Nature directing events, then I insist that there can by no possibility be any evidence of the existence of such a power.

The history of the human race shows that nations rise and fall. There is a limit to the life of a race; so that it can be said of every nation dead, that there was a period when it laid the foundations of prosperity, when the combined intelligence and virtue of the people constituted a power working for righteousness, and that there came a time when this nation became a spendthrift, when it ceased to accumulate, when it lived on the labors of its

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youth, and passed from strength and glory to the weakness of old age, and finally fell palsied to its tomb.

The intelligence of man guided by a sense of duty is the only power that makes for righteousness.

You tell me that I am waging "a hopeless war," and you give as a reason that the Christian religion began to be nearly two thousand years before I was born, and that it will live two thousand years after I am dead.

Is this an argument? Does it tend to convince even yourself? Could not Caiaphas, the high priest, have said substantially this to Christ? Could he not have said: "The religion of Jehovah began to be four thousand years before you were born, and it will live two thousand years after you are dead?" Could not a follower of Buddha make the same illogical remark to a missionary from Andover with the glad tidings? Could he not say: "You are waging a hopeless war. The religion of Buddha began to be twenty-five hundred years before you were born, and hundreds of millions of people still worship at Great Buddha's shrine?"

Do you insist that nothing except the right can live for two thousand years? Why is it that the Catholic church "lives on and on, while nations and kingdoms perish?" Do you consider that the survival of the fittest?

Is it the same Christian religion now living that lived during the Middle Ages? Is it the same Christian religion that founded the Inquisition and invented the thumb-screw? Do you see no difference between the religion of Calvin and Jonathan Edwards and the Christianity of to-day? Do you really think that it is the same Christianity that has been living all these years? Have you noticed any change in the last generation? Do you remember when scientists endeavored to prove a theory by a passage from the Bible, and do you now know that believers in the Bible are exceedingly anxious to prove its truth by some fact that science has demonstrated? Do you know that the standard has changed? Other things are not measured by the Bible, but the Bible has to submit to another test. It no longer owns the scales. It has to be weighed,—it is being weighed,—it is growing lighter and lighter every day. Do you know that only a few years ago "the glad tidings of great joy" consisted mostly in a description of hell? Do you know that nearly every intelligent minister is now ashamed to preach about it, or to read about it, or to talk

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about it? Is there any change? Do you know that but few ministers now believe in "the plenary inspiration" of the Bible, that from thousands of pulpits people are now told that the creation according to Genesis is a mistake, that it never was as wet as the flood, and that the miracles of the Old Testament are considered simply as myths or mistakes?

How long will what you call Christianity endure, if it changes as rapidly during the next century as it has during the last? What will there be left of the supernatural?

It does not seem possible that thoughtful people can, for many years, believe that a being of infinite wisdom is the author of the Old Testament, that a being of infinite purity and kindness upheld polygamy and slavery, that he ordered his chosen people to massacre their neighbors, and that he commanded husbands and fathers to persecute wives and daughters unto death for opinion's sake.

It does not seem within the prospect of belief that Jehovah, the cruel, the jealous, the ignorant, and the revengeful, is the creator and preserver of the universe.

Does it seem possible that infinite goodness would create a world in which life feeds on life, in which everything devours and is devoured? Can there be a sadder fact than this: Innocence is not a certain shield?

It is impossible for me to believe in the eternity of punishment. If that doctrine be true, Jehovah is insane.

Day after day there are mournful processions of men and women, patriots and mothers, girls whose only crime is that the word "Liberty" burst into flower between their pure and loving lips, driven like beasts across the melancholy wastes of Siberian snow. These men, these women, these daughters go to exile and to slavery, to a land where hope is satisfied with death. Does it seem possible to you that an "Infinite Father" sees all this and sits as silent as a god of stone?

And yet, according to your Presbyterian creed, according to your inspired book, according to your Christ, there is another procession, in which are the noblest and best, in which you will find the wondrous spirits of this world, the lovers of the human race, the teachers of their fellow men, the greatest soldiers that ever battled for the right; and this procession of countless millions in which you will find the most generous and the most

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loving of the sons and daughters of men, is moving on to the Siberia of God, the land of eternal exile, where agony becomes immortal.

How can you, how can any man with brain or heart, believe this infinite lie?

Is there not room for a better, for a higher philosophy? After all, is it not possible that we may find that everything has been necessarily produced, that all religions and superstitions, all mistakes and all crimes, were simply necessities? Is it not possible that out of this perception may come not only love and pity for others, but absolute justification for the individual? May we not find that every soul has, like Mazeppa, been lashed to the wild horse of passion, or like Prometheus, to the rocks of fate?

You ask me to take the "sober second thought." I beg of you to take the first, and if you do, you will throw away the Presbyterian creed; you will instantly perceive that he who commits the "smallest sin" no more deserves eternal pain than he who does the smallest virtuous deed deserves eternal bliss; you will become convinced that an infinite God who creates billions of men knowing that they will suffer through all the countless years is an infinite demon; you will be satisfied that the Bible, with its philosophy and its folly, with its goodness and its cruelty, is but the work of man, and that the supernatural does not and cannot exist.

For you, personally, I have the highest regard and the sincerest respect, and I beg of you not to pollute the soul of childhood, not to furrow the cheeks of mothers, by preaching a creed that should be shrieked in a mad-house. Do not make the cradle as terrible as the coffin. Preach, I pray you, the gospel of Intellectual Hospitality—the liberty of thought and speech. Take from loving hearts the awful fear. Have mercy on your fellow men. Do not drive to madness the mothers whose tears are falling on the pallid faces of those who died in unbelief. Pity the erring, wayward, suffering, weeping world. Do not proclaim as "tidings of great joy" that an Infinite Spider is weaving webs to catch the souls of men.

ROBERT G. INGERSOLL.

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THE INFLUENCE OF INGERSOLL.

BY THE REV. HENRY M. FIELD, D.D.

WHEN a man dies who has been for a long time at the head of a party in politics or religion, it is natural to think that his party may die with him. In no case could this seem more probable than in the sudden death of the brilliant and defiant leader of agnosticism in this country. He is gone, and we cannot but ask ourselves whether his scattered followers will rally round some new leader, or be so demoralized that they can only wrap their cloaks about them and fall with dignity.

While awaiting the issue, I am asked by the NORTH AMERICAN REVIEW to give an opinion as to the future, inasmuch as I once had a controversy with Robert Ingersoll in its pages, though with no other wish on either side than to get at the truth.

It is a dozen years since I first saw Ingersoll in a court room in Washington, and by his invitation spent an evening under his roof. Though it might seem that I was venturing into the lion's den, no one could be more courteous to a stranger. He was a man of generous instincts, who, if he did not quite come up to the Gospel rule to love all men, at least came half way; he loved his friends and hated his enemies. When he came to New York to live, our acquaintance was renewed; and I was a frequent visitor at his house, where I was made to feel at home. If I came in when they were in the midst of a conversation, I did not interrupt it, but another chair was drawn up to the table, or, if it was midwinter, to the open fire, while "Robert" (as his wife always called him), talked of the events of the day; or, if in a mood for recalling bygone years, he would turn the conversation to men whom he had known in public life. There was no one whom he loved to talk about so much as Abraham Lincoln, whom he had known in

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his early manhood, when they were both at the Bar in Illinois; and, during the war, when there were heavy disasters, where could he go but up to the White House, to have his anxieties calmed by a talk with "Old Abe"?

Then he would give his opinion of the latest books, for he was an omnivorous reader. He was fond of novels, which took him into the world of the imagination, and I found it to be an economy of time to take his *resumé* of a thrilling story rather than to wade through hundreds of pages. He would read poetry by the hour, to which I would listen with attention, though sometimes with a suppressed smile, as when he expressed his most positive opinion that, as a heaven-born poet, Longfellow was not to be named the same day with Walt Whitman!

The more I became acquainted with Ingersoll, the more I was interested in his personality. He was not as other men are. The typical American is a bundle of nerves, which shows itself in his quick step, in the flash of his eye, and the gesture of his hand. When Thackeray was in New York, he would sometimes take his stand at the corner of a street to watch the passing crowd as a study in national character. Had he seen a man of stalwart frame walk slowly by he would have said there goes an Englishman! In all the years that I have known Ingersoll, *I never saw him in a hurry.* The crowd might rush by, but he never quickened his pace, but walked slowly as if in deep thought. When I met him in Broadway he was always ready to stop under an awning, or by a friendly door, and discuss the questions of the day. If all the wisdom that was exchanged between us had been preserved, possibly some might have been wiser, but alas, it has been blown away like the autumn leaves!

The two gods that Americans worship are time and money. Ingersoll cared for neither. Money had no attractions for him except for the use he could make of it. I am told by one who knew of his affairs perhaps even better than Ingersoll himself, that his income from his practice at the Bar and his lectures was often not less than a hundred thousand dollars a year, yet it was soon scattered. He could not deny himself the pleasure of giving it away. The tales of his generosity had gone far and wide, and every morning there was a pile of letters on his desk from poor clerks who were starving in garrets, and young women who could not find any means of support. To such appeals he responded so

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bountifully that they came faster and faster. His friends warned him against the impositions that were practised upon him, and told him that he ought to have a bureau of inquiry, but he answered that he had rather be cheated a dozen times than leave one poor girl to suffer and perhaps to die!

This lavish giving came partly from a feeling that one-half of mankind did not get their share of the good things of this life, so that he looked with an eye of pity, not only upon the poor and suffering, but upon those who had been driven to crime! One morning I met him in Gramercy Park, and told him that I was bound for Sing Sing, to which I had been invited by the warden, not to preach to the prisoners, but to tell them the story of my journey around the world, which might divert their thoughts from their own dreary loneliness. But to my surprise the very mention of our "Bastille" brought to his mind the condition of human beings shut out from the light of sun and moon and stars and the faces of all who loved them, till it overpowered him and he was ready to pronounce an anathema upon the "tomb" in which men were buried alive. "Nothing on earth," he said, "would induce me to go down those hard and stony steps and through those iron gates, that are to me like the gates of hell!" It was in vain to tell him of the crimes that these men had committed, their robberies and their murders! "But," he answered, "put yourself in their place. If you had been exposed to their temptations, you might have done the same!" I was quite overpowered by this burst of feeling, and could but think that, if he had the power, he would indeed have ordered the prison gates to be swung open, never to be shut again! But then where should we be? What terror would take possession of us all from the insecurity of our homes!

Such discussions were very earnest, but they did not abate our mutual regard, not even when we clashed weapons as to the truth and binding authority of the Christian religion. I do believe that there never was such a "give away" as in the controversy that we began in the NORTH AMERICAN REVIEW. I had no hot desire to get the better of him, nor he to get the better of me. So we adopted a system of exchange whereby, instead of standing off and bombarding each other from a safe distance, we laid aside the tactics of war. We had no mines to explode, but carried on our contest, such as it was, in the open field. No sooner had I

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taken my position, and buttressed it as well as I could, than I went to him, and almost indicated the weak points at which to aim his guns. This might seem like throwing away the case, but I had no wish for strategems, but preferred to stand on open and solid ground.

And now, perhaps I shall give a fresh interest to my story if I put a new figure on the stage; not another *man*, but the same man in another character. Though Robert Ingersoll was a captivating talker, he was far more than that; he was one of the greatest orators that our country ever produced. It was not by the fireside, but on the platform, facing thousands of men, that he showed all his power. I once asked Mr. Godkin, the editor of the *Evening Post*, if he had ever heard Ingersoll? He said "but once." It was in the old Academy of Music, and the pressure was so great that the police had to make a passage to the front of the platform. The hour to begin was eight o'clock. Ingersoll rose on the minute, and spoke till eleven, *and not a man moved!* For three hours he held that vast audience in the hollow of his hand! No wonder that the eager multitude were swept away by him as the forest is swept by the wind. He was born to be an orator. His very physique marked him as one not to be daunted by any presence, by many or by few. He had a frame of iron, and when he strode upon the stage, he was the ideal of a warrior standing on his castle walls,

"Four square to all the winds that blew."

His intonations were varied, now soft and gentle, as if he were in conversation, with many a bit of pleasantry; then, straightening himself up to his full height, he gave such a burst that the thousands who heard him trembled at the thunder of his voice. Such rhetorical effects are like great symphonies, which ring through the arches of cathedrals, or rather like the sound of distant thunder, coming nearer and nearer till there is one last tremendous peal, that rolls majestically away. The tradition of such marvellous eloquence will live as long as this generation.

But the great figure that he made upon the stage is not what we have to observe most closely. It is not enough to be thrilled by wonder and admiration, but there are practical questions to be resolved, in which wisdom and knowledge are better than a torrent of words, however grand and majestic. The flash of elo-

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quence is like that of lightning, which dazzles but for a moment, while wisdom is the light that shines all night long.

Wisdom is better than riches, and here it is that we would put our haughty unbelievers to the test. What have they done for the world? Or what can they do? We at least can live in the glow of a twilight, that lingers in the path of the departing sun, while those who glory in the assertion that "all that we know is that we know nothing," seem to exult in the blackness of darkness that covers the world. We do not envy them, but wish that they might live to see the faint glow of the dawn over the tops of the mountains.

But the NORTH AMERICAN REVIEW asks, not so much for memories of the past, as for a conjecture as to the future; not so much for what has been but for what shall be. Will the Old Guard of unbelievers still keep their places in the ranks, though with drooping colors, or

> "Fold their tents like the Arabs
> And silently steal away?"

To be frank, I must say that, as Robert Ingersoll was unlike any other man whom I ever knew, I do not think I shall see his like again. Genius is subject to no law of succession or of inheritance. Where is the son or grandson of Henry Clay or Daniel Webster? Or if we are governed by the rules of war, that when a leader falls his second steps forward to take command, I answer that in this case *there is no second,* and so he has no successor. I might almost say that he was a man apart, and that the race is extinct.

But eloquence alone cannot make one hair white or black. It has no creative power. For the truth, it is better to look to science than to eloquence or poetry. And here there is much to cheer us. Within our life-time, we have seen the boldest and most confident attacks upon religion, and even upon the existence of God. It is but a few years since Tyndall proudly declared before the British Association that "in matter would be found the promise and the potency of all life." What need, then, of a Creator over our head, when we have a creative power under our feet? But, even then, a greater man of science, Lord Kelvin, assured me with a smile, that this ardent explorer would not long adhere to his bold declaration, a prediction that was soon realized. One day, as we were riding over the Berkshire Hills, he looked up to the clouds that were floating across the sky, which recalled to

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him how Pasteur had sent balloons up to a great height above the hoary head of Mont Blanc, and found there such evidences of life as gave a death blow to a theory that had been adopted by the French, to which they had given the pompous name of "Spontaneous Generation!"

So one after another the advocates of atheism find the ground sinking under their feet:

"The captains and the kings depart,"

while in their place come the great men of science like Newton, and Farrady and Kelvin, the last of whom has assured me over and over again that all the philosophy and all the science of the world cannot shake the simple argument from design, that is so simply and so admirably set forth in Paley's "Natural Theology." Against such authority no glittering theories can make any impression. They will have their little day and then fade away in the distance, and be seen no more, while the truth of Christianity will abide forever.

This makes an end, so far as I can see, of the fear or the hope that the followers of Ingersoll, feeling deeply, as well they may, the loss to them by his death, should make an organized body of Agnostics, not only to preserve his memory but to perpetuate his belief or unbelief. But you cannot make a party of one man, nor a creed out of mere negations. If the believers, or rather the unbelievers, should wish to form a creed, I would suggest that it should begin with the opening of the burial service:

"Man that is born of woman hath but a short time to live, and is full of misery. As to whence he came or whither he shall go we know not. As for a Supreme Being, we know nothing, and have no means of knowing anything. Why then should we be under obligations to a power that is wholly undefined? As we were born, so shall we die. Away then with the terrors of a future life, as if we had not enough terrors in the present. Leave us alone in the boundless freedom of boundless ignorance."

So much for the creed! As to a form of worship, I would suggest that they adopt the silent adoration of the Parsees, which every visitor to Bombay will remember, when they uncover their heads at the rising and setting of the sun, as the author and preserver of all life on the earth! But if any man is hard-pressed and already feels the coming dissolution, what more can he say, or what less can he say, than to repeat the appeal of the soldier

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going into battle: "O, God, if there be a God, have mercy on my soul, if I have a soul!"

But if any man feels the horror of great darkness as he approaches the end of life, let him at least have the consolation of recognizing the presence of a Higher Power, in whom is the beginning and ending of all things.

For my part the attacks upon religion are not in vain, if they do but keep our eyes turned toward the rising of the sun. The universe is bathed in light, and if the night be long, the brighter will be the glow of the morning that heralds the coming day. And for this we have in part to thank our enemies. A stout argument for a false theory sometimes leads to the discovery of the truth. The relentless persecution of Galileo, though it once broke his spirit, so far as to make him recant what he knew to be truth, still secretly urged him on till, before he closed his eyes in death, he was able to assert boldly the whole truth of the form of the earth and its revolution round the sun.

So in religion even the most violent attacks upon Christianity are better than indifference, and looking back upon the friendly discussion I once had with the great agnostic, I cannot but feel that, in these collisions of opinion, light has come out of darkness, as the flashes of a storm may guide a traveller through a dark and perilous way, so that we can say in the words of the English poet:

> "I doubt not through the ages one increasing purpose runs;
> And the thoughts of men are widened with the process of the suns."

HENRY M. FIELD.

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"*EX ORIENTE LUX!*"

A REPLY.

BY ARCHIBALD LITTLE.

THE curiously instructive article under the above heading in the July number of the REVIEW, written by Mr. Vladimir Holmstrem, provides an interesting sketch of the Russian view of the Far Eastern question as it affects the United States. It will be equally interesting, I trust, to look at the same question from the opposite point of view of the Western merchant trading with China, and to trace, if we can, to what extent Russian political interests in the Far East are reconcilable with the commercial interests of the civilized powers who now hold the largest stake in the trade of China.

Mr. Vladimir Holmstrem's appeal to the American people is fathered by an introduction from the pen of Prince E. Ookhtomsky, the eloquent annalist of the journey of the present Emperor of Russia, then the Czarewitch, through British India and Eastern Asia, seven years ago. This short introduction is of special value to the student of Far Eastern politics of the present moment, for it indicates the basis upon which recent official action by Russia in China is avowedly founded, viz.: (1.) the idea of autocracy; (2.) the idea that the culture of the West leads to anarchy; (3.) the idea that America must emancipate herself from England's political tutelage, and co-operate with Russia in China.

Now, seeing that America is in herself the living embodiment of this Western culture which Prince Ookhtomsky so unhesitatingly condemns, and to which alone Russia is indebted for her civilization and influence in the world, it will be seen that logic does not play a high part in the Prince's argument. When we

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bear in mind the extent of his travels, and of his acquaintance with European, notably English, literature, one can only account for such sentiments by the ultra patriotic wave of Pan-Slavism that dominates the conservative Russians, men who will professedly have no part in the accursed thing called Western progress, and whose leading spokesman is that notorious reactionary, the present Imperial Minister, M. Pobedonostzeff.

These are Prince Ookhtomsky's words:

> "May not the culture of the West (or an excess of it) with its pronounced individualistic tendencies, leading almost to anarchy, inflict on the Chinese, these Asiatics who have never known the meaning of material progress, nor have ever striven for it, the misery of a civilization out of harmony with their natural inclinations?"

Now, to one who knows the Chinese people, a people who, though cursed with a corrupt central government, are themselves indefatigably industrious both in agriculture and in useful arts, and certainly far more civilized than Russia, the statement that the Chinese have never known the meaning of material progress nor even striven for it, is too palpably absurd to deserve contradiction. The Chinese have progressed steadily from dynasty to dynasty, as well in peaceful and orderly self-government as in material civilization. They are as curious about new inventions as any Westerner. Steamers they took to almost with enthusiasm; if they were slower to adopt railways, this was solely because of the well-justified fear that foreign-owned railroads would, among a people helpless from a military point of view, accentuate foreign occupation. The country is intersected by magnificent waterways, and hence railways were not the pressing necessities they were in many other countries; but the Chinese authorities were gradually introducing them, as far as the poverty of the empire would admit of their doing so without borrowing foreign capital, long before the time when the Japanese war with its outrageous indemnity forced them to throw themselves, almost unreservedly, into the arms of Western financiers, and rendered the hasty development of the Empire under foreign administration a capital necessity in order to enable it to pay off its foreign indebtedness. The real point with Russia is: Are these administrators to be of the nationality of those powers who have for years long past had the trade of China in their hands—Britons, Germans, and Americans, chiefly—or are

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these to be superseded by Russians, the latest comers upon the field?

The Prince proceeds:

"The dominant factor in the history of Russia's past is the influence of Asia. . . . In common with her we have created *the idea of autocracy* (which has nothing in common with the Cæsarism of the West); it is an idea that pervades all Asia and is as the breath of life to her."

All of us who know China, the leading and most populous country in Asia, and whose Empire, leaving out Siberia, covers, two-thirds of that vast continent, know that the life-breath of its prosperity is precisely its independence of autocracy. Though in name a despotism, the Emperor is little more than a figure-head; all official appointments are nominally in his hands and his decrees are regarded almost as divine, the "Son of Heaven," like the Pope of Rome, being looked upon as God's Vice-regent on earth; but he has not like the Czar of Russia an army of docile *Tchinovniks* to see his decrees carried out, and to worry and oppress the people. A Chinaman, unless in the rare instances when he is entrapped into a lawsuit or caught as a criminal, may spend his whole life without ever crossing an official. In the cities, he has neither license tax, nor house tax, nor municipal rate to trouble him. No tax collector calls at his door. He is free to trade and travel where he will; passports are unknown. He settles his disputes by the arbitration of his own voluntarily supported guilds. A nominal land-tax, a customs' entry tax of five per cent. *ad valorem*, and a transit tax, or *likin*, of two and a half per cent., together with the produce of the government salt monopoly, are estimated to burden the Chinaman with an annual contribution amounting to less than half a dollar per head, as against an exaction from the far poorer Russian people of some five dollars per head. In short, Russia is a real autocracy. China, on the other hand, is a democracy in all but name, and this democracy has been gradually evolved and fought for in the course of centuries, having started over two thousand years ago from the point which Russia has now reached in her emergence from feudal barbarism. China may, in short, be said to have reached the point toward which the Russian people are only tending, with many painful struggles yet to be passed through; and to suppose that "the idea of autocracy is the breath of life" to the Chinese is to put back the clock two thousand years.

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Finally, we come to the point that "America should emancipate herself from England's political tutelage, veiled though it be in guise of cousinly friendship. The Chinese question, the touchstone of this friendship, has already displayed the duplicity of the English, etc." What this exactly means it is difficult to say. America has never shown any disposition to place herself under England's tutelage, except in so far as she has inherited her language and her common law from the same British ancestry. In China, she may be said to have followed England's lead, in sharing in the advantages consequent upon the original opening up of the country by England, much as England followed America when her merchants settled themselves in Japan, as a consequence of the opening up of that country by the treaty enforced upon the Japanese through Commodore Perry in 1857. But we fail to see any duplicity on one side or the other in cases where no interference with the rights of others is effected and where all obtain equal privileges. The duplicity is with those European powers who, under the guise of philanthropy, aim at excluding their neighbors by the establishment of preferential rights for themselves. That America should suicidally support Russia in the latter policy, as against uniting in the free cosmopolitan policy of England in China, is a supposition almost too childish for controversy. The only question for America to decide is: How far is it wise for her to abandon her present expectant policy in the Far East, and to actively interest herself in the international struggle of which the Chinese metropolis has unwittingly become the distracted centre?

For there is little doubt that events in China are hurrying to a crisis, and that every nation that would safeguard its interests in the face of such a crisis must decide on a course of action, form a definite policy and be prepared to meet eventualities that all can foresee.

If, then, America answers the question we have posed above in the affirmative, and abandons her present expectant attitude, shall she throw in her lot in China with Russia, or the contrary? Shall she work on her own account in favor of the "open door?"

Americans who read Mr. Holmstrem's article on the Russian side and who have read Lord Charles Beresford's "China and the Powers" in the May number of the REVIEW, may well feel flattered at the way in which the two great rival powers of mod-

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ern Asia have descended into the arena to court and win the favor of the Great Republic. "Codlin is the friend," says the Russian writer, and he proceeds to show up the villainy and the duplicity of her would-be friend, Short. It is well to see ourselves as others see us, and it is a good thing for an Englishman to be reminded once more that the leading Russians—those who guide the inert masses of the ignorant, peaceful Russian people, profess to hold precisely the same suspicion of our motives and the same dread of our actions as we assuredly hold of theirs. Doubtless, such suspicions are not without some foundation on either side; where they are groundless, it is better for both sides to clear them up and so pave the way to a better common understanding. It is because we are anxious to see a general international understanding brought about in regard to China, that we propose to make an attempt to expose the many fallacies upon which Mr. Holmstrem's suspicions of our motives are founded, and so vindicate British policy in China from the indictment he brings against it.

Mr. Holmstrem begins: "I shall now demonstrate that in the Chinese question England has already outwitted the Americans." The alleged self-styled demonstration that follows is by no means clear; but a few quotations may serve to show the gist of the writer's arguments. Thus he denies all sincerity in England's cry for the "open door" and "equal opportunities." He tells us:

> "The banner with the 'open door' inscribed upon it, which England waves so furiously before the eyes of the desired anti-Russian concert of powers, is nothing else but the scarlet cape of the Spanish bull-fighter, which is meant to blind the bull and make him an easy prey to the aggressor. It only affords England the opportunity of plundering China elsewhere as much as her heart can wish."

Now, this is certainly a novel view of the "open door" policy, which could hardly enter the head of any one but a guileless Russian. As facts are truer guides than theories, let us look at the facts anent England's and Russia's action touching the open door in the past. Our first war with China, due to the arrogance of the Imperial Commissioner Lin in refusing to meet and discuss matters with the British Superintendents of Trade, Lord Napier and Sir George Elliott, resulted in the Treaty of Nanking, signed in 1842. This treaty stipulated for the opening up to foreign trade of the coast ports of Canton, Swatow, Amoy,

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Ningpo and Shanghai, long known as the "Five Treaty Ports," as well as for an indemnity to the merchants whose property had been arbitrarily destroyed at Canton. Otherwise the loss to the Chinese, except in prestige, was small. Hongkong, a rocky, barren island off the coast, some twelve miles square in area and of no material value to the Chinese, was ceded to England and by her made a free port open to all, and was thus the first object lesson in the "open door" in China. Some years passed before its value as a depôt for the China trade became apparent; so much so that its abandonment was openly advocated by more than one of its early governors. The "Five Ports" were opened to all "foreigners," without distinction, for trade and residence, and would-be settlers in them had to make their own bargains for land and dwellings, needless to say at fancy prices, and settle down in the outskirts of the five cities as best they could. The Chinese were the real gainers by the treaty: the five cities rapidly increased in wealth and importance, under the golden touch of foreign capital and energy—oases of prosperity in the desert of general stagnation that seems to have invaded the once rich empire in the wake of the Manchu conquest of 1644. Outside of the British, other governments paid little or no attention to Chinese affairs at this period, although their nationals, mainly German and American, gladly took advantage of the opening made by Britain and were freely welcomed in the new treaty ports and in the colony of Hongkong: their ships soon took possession of the lion's share in the coasting trade that now sprang up, and their merchants ranked equally with the British in importance.

So matters went on for fifteen years, trade steadily progressing to the enrichment of "foreigner" and native alike, when the latent animosity of the Chinese officials again broke into flame. The treaty of 1842 had been forced upon the Chinese government against its will, and although the Chinese people concerned, traders by instinct and education, rejoiced in the prosperity brought to their doors, the Mandarins sulked. They tried in their feeble way to restrict intercourse as much as possible. They refused to allow any "barbarian" to defile the sacred city of Canton with his presence; they never discouraged, even if they did not encourage, isolated murders of Englishmen who went beyond the limits of the "factories" in Canton, some on boating,

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some on shooting trips. Memorials went up to the throne, stating that the "foreign barbarians" were draining the country of its wealth. Constant sources of friction sprang up, which it was impossible to induce successive Viceroys to attempt to quell; requests for attention to, much more for compensation for, wrongs inflicted upon British subjects, met with only evasive answers; until, after years of patience, as is the way with our government, hostilities had to be resorted to. The Viceroy, Yeh Min-Chên, was taken prisoner and sent to Calcutta, where he died. Canton was captured and ransomed for a million dollars. The foreign "factories," or settlement outside the walls, were destroyed by the mob; the foreign residents fled to Hongkong and to the neighboring Portuguese settlement of Macao. The Chusan islands, off Ningpo, were seized. The war, so-called, dragged on, failing the appointment by the Chinese of a plenipotentiary to make peace; until, at last in 1859, the Central Government decided to send a plenipotentiary to treat; whereupon the British government on their side sent an envoy, with an escorting fleet, to Tientsin to meet him. The fleet fell into a trap. Heavy guns from the Taku forts were accurately trained upon the channel (it was asserted at the time by Russian help); Admiral Hope suffered a defeat, with the loss of four hundred men, and no settlement was come to. It was on this occasion that the American Commodore Tatnall helped to pick up the wounded British, and made use of the since famous saying, "Blood is thicker than water."

In the following year, the French joined with us in sending an expedition to Peking. The Taku forts were destroyed, the Peiho River was forced, Peking was captured, the Emperor Hienfeng fled to Mongolia, the beautiful Summer Palace was unfortunately burned and its treasures ransacked, as punishment for Chinese treachery in torturing and murdering the party sent out with Sir Harry Parkes under a flag of truce. In the end, a fresh treaty of perpetual peace and good will was signed by Lord Elgin and Baron Gros, on behalf of the Anglo-French, and by Prince Kung, on behalf of the Chinese. This peace has now been happily kept for forty years by Great Britain, but was broken by the French in 1885.

The new treaty stipulated for the opening of three new Treaty Ports on the "Great River"—Chinkiang, Kinkiang and

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Hankow—and for three new Coast Ports in the North—Chefoo, Tientsin and Niuchwang. The British government now for the first time stipulated for fixed concessions, or the setting apart of a plot of land, averaging less than a square mile, on the outskirts of the respective towns opened. The owners of the land upon which these concessions were situated, land mostly submerged at high water, were handsomely paid for their rights. The land was ceded to the Crown; and after being laid out in half acre building lots, was leased, by the medium of the British Consulate established in each port, to all comers, irrespective of nationality. Later on, municipal councils of the residents of all nationalities were formed for the purpose of policing the new settlements, laying out roads, drainage, planting, building bunds and quays for shipping; until now these aforetime swamps form oases of order, verdure and a wealth of architecture in the midst of wildernesses of Chinese dirt, poverty and decay. In the so-called British settlement of Hankow, situated six hundred miles up the Yangtse River, as a consequence of the decay of the Chinese tea trade with England and the growth of that with Russia, the bulk of the river frontage and the handsomest mercantile establishments are owned by Russians, who find no difficulty in co-operating with their British and German fellow-citizens on the concessions, and in working together for the common good. This is a part of what Mr. Holmstrem, endeavoring to throw dust in the eyes of the American people, styles "the annexation by the British of all the principal elements of the social life of China, of all the branches of her industry, trade and administration, thus instituting a practical, if not a theoretical, protectorate of Great Britain over the whole of China." It will be interesting to note, by contrast, what the Russian government has done in this same Hankow, since it recently set to work, avowedly to arrest the not unnatural growth of British influence in China.

Owing to the influx of foreign nationalities into the strictly limited British concession at Hankow, English merchants settled there found it to their advantage to gain more room for their factories, by purchasing direct from Chinese owners land outside the Concession. The title-deeds for these lands were duly sealed by the Chinese Governor of Hankow and subsequently, in due course, registered by the British Consul, as far back as the sixties. In 1897, the Russian government came upon the scene and com-

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pelled the pliable Chinese government to cede them this land, for a separate Russian concession, saying: "Leave us to settle with the British." They obtained the grant of the land, and then landed Cossacks to turn the unfortunate British merchants out of their property. The British government, anxious to remain on friendly terms with Russia, refrained from answering force by force, as they would have been justified in doing, and is now limiting its efforts to the obtaining of pecuniary compensation for these arbitrary ejectments. Yet Mr. Holmstrem tells his American readers that "siding with England will mean the destruction of China by revolutionary methods." It is instructive to contemplate the analogy and the contrasts in the condition of the two vast empires of Russia and China. The population of both is mainly composed of a poor, hardworking, peaceably disposed peasantry, but governed by corrupt and unscrupulous officials, who are constantly leading the peace-loving peoples they rule over into troubles and adventures which only end in increasing their poverty. The civilian Chinaman, like the ordinary civilian Russian, is an exceptionally quiet, peaceful individual; he knows little of and cares still less for politics, which, he considers, his superiors are paid to attend to. Yet turn a Russian into a Tchinovnik, or a Chinese into a Kwan, and his natural amiability and honesty seem to be at once unaccountably transformed into the opposite qualities of oppression and deceit. Certain it is, in any case, that Anglo-Saxon methods do not square with those of Russia; and the inference is that we, who are convinced that the "open door" with equality of opportunity is the best policy for China and the best for all foreign nations who desire to have purely trading relations with her, would do well to unite in a pacific endeavor to maintain this policy.

Another of Mr. Holmstrem's grotesque statements, of the falsity of which we propose to give one more instance, is the following:

"The ideas of Prince Ookhtomsky and the measures proposed by the Rev. Gilbert Reid (American missionary in North China), as representing respectively Russia and the United States, are *conservative* in the best application of the word; they aim at the welfare of an independent nation, while on the other hand the English schemes are revolutionary in theory and meant to be carried out by violence in order to pander to the lust of the English for gain and conquest."

The instance is this. Niuchwang, as one of the Treaty Ports,

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possesses a branch of the Imperial Chinese Maritime Customs, at which the treaty tariff of five per cent. *ad valorem* is payable on all imported merchandise, including railway material. The limits of these Treaty Ports are everywhere strictly defined, and no cargo is allowed to be shipped or discharged outside of them. Last year, Russian vessels, laden with railway and other material, entered the port of Niuchwang and were requested to conform to the official Customs' regulations. The vessels thereupon proceeded to land their cargo outside the port, in defiance of the rules which the Commissioner of Customs, without arms at his back, was unable to enforce. Which, in this case, was the conservative and which the revolutionary method? Would any other power, having treaties with China, have thus set at defiance the constituted authorities of the country? Truly, in quoting Mr. Holmstrem's absurd conception of British policy in China, we are compelled to say: "*Mutato nomine de te fabula narratur.*" This same Niuchwang has special interest for Americans, as being the leading port of entry in China of American cotton goods. Opened originally, as we have seen, by the efforts of British statesmanship, two-thirds of its trade is in American goods, and it is a significant fact that, upon the British government's recently endeavoring to settle outstanding disputes with Russia in regard to railway concessions in Northern China, by a convention which should stipulate for equal rates for all by the proposed railroads, Russia then refused to be bound by a promise that on her railways in China she would not distinguish against non-Russian merchandise by preferential rates. (*Vide* British Blue Book, "Affairs in China.")

We have seen that, in the treaty made with China by the Anglo-French plenipotentaries as a consequence of the war of 1860, barring a small pecuniary indemnity, no exclusive advantages whatever were taken by the two powers who had borne the burden and heat of the day, and many of whose citizens had been treacherously murdered by the Chinese in cold blood. Not so, however, with Russia. Russia—of which Mr. Holmstrem writes, "The independence and integrity of China is a fundamental principle of Russian policy in Asia"—did not hesitate to take advantage of China's weakness at the time to advance her frontier one thousand miles to the Southeast, and to absorb the Amur Valley and Northern Manchuria down to the Korean

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frontier. And again, quite recently, posing as the protector of China, Russia turned the Japanese out of the Liaotung peninsula and subsequently seized the peninsula herself, including the naval depôt of Port Arthur; thus converting the only naval fortress owned by the Chinese into a Russian possession and thereby advancing her frontier down to the gulf of Pechili and threatening the very existence of the Chinese empire by rendering Peking untenable. The practical proposition made by England, that the terminus of the Siberian railway should be a Treaty Port open to all, was scouted by Russia. Is this what Mr. Holmstrem has in mind when he writes:

"Such a humane interpretation of the idea of business, as bringing fresh power and salvation to people, commends itself to the Russian mind; hitherto we have been accustomed to see 'business' interpreted in the English sense of rapine and slavery—economic and political—*the famous murder for gain!*"

The truth is that, when Russia changed the plan of her Siberian railway, and, instead of making its terminus in an ice-free port on the Pacific, as was the original intention, decided to prolong it into the gulf of Pechili and make the terminus in Chinese territory, she found the region already in commercial occupation of other nations—England, Germany and America—and was unable to take up exclusive privileges there without interfering with treaty rights already acquired there by other powers. Hence this furious outburst of spleen and misstatement, as displayed in the egregious article we are reviewing. The Chinese Maritime Customs, a cosmopolitan institution, at present presided over by Sir Robert Hart, a service which has totally reformed the collection of duties and for the first time in its history provided the central government of China with a reliable revenue, was as a red rag to the Russian bull; hence one of Russia's first moves, when she came into the field, was to manœuvre for the supercession of the present Inspector-General of Customs by a Russian.

Again, China had already commenced tentatively to build railways with her own capital—a natural and not unpraiseworthy ambition—and had already in this way constructed a most successful line from Shanhaikwan to Tientsin and Peking, under the engineering superintendence of a capable railroad man, Mr. Kinder. Mr. Kinder had served the Chinese government well and faithfully, and for far less pay than such valuable services

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would command in Europe or America. But he must forsooth be ousted to make room for a Russian, and the Chinese, loth as they were to part with their old and tried servant, would have had no alternative but to dismiss him at Russian dictation, had not the outcry at this contemplated injustice been so great that the British government, notoriously loth to interfere in what it is pleased to consider private affairs, was compelled at last to put its foot down and support Mr. Kinder, whereat the Chinese government felt emboldened to refuse the Russian demand. This is another instance of how, in Mr. Holmstrem's words, Russia would guard China: "We are an Asiatic power and as such must guard the East, because *its consolidation means our own consolidation.*" Whatever this enigmatical phrase may mean, it assuredly does not point to the "open door," nor can we see in it an argument to induce America to give up endeavoring to maintain the policy of the open door and, instead, to join hands with Russia in thwarting a policy profitable to all who have purely commercial, as opposed to territorial, designs upon the empire of China.

It is unfortunate that the British government should have acceded to the suggestion of the Chinese and consented to the occupation of Wei-hai-wei, as a counterpoise to the Russian occupation of Port Arthur and to the German occupation of Kiao-Chao Bay. This occupation, valueless as it is to England, is undoubtedly a contradiction to the policy of the open door, and in so far is wrong in principle. Notwithstanding that the lease of this *place forte* from China in no way affects freedom of trade, it is an instance of the opportunist policy now unfortunately popular, chiefly because it avoids the necessity of planning out and executing a definite line of conduct in any course of circumstances. It would, I have always contended, have been better to risk the wrath of Russia, and leave our ships moored in Port Arthur last summer, and so have reserved for the Chinese, to whom it then belonged and by whose permission our ships were there, their last remaining fortress. This was not done and Wei-hai-wei was taken. But Wei-hai-wei, unlike Port Arthur, is no fortress in the modern sense, and it is not likely that the British government will spend the millions necessary to make it one. It can only be useful in the event of a war with Russia, which no one contemplates. Should such a calamity occur, however, it

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would be easy enough to gain a footing there or elsewhere in the North when the time came. The motive of the Chinese, in offering us Wei-hai-wei, must have been to keep France and Russia out, or, probably, to embroil us with Russia. In any case we should have done better to arrange with China to leave the place in the hands of the Japanese who originally held it.

The non-alienation of the Yangtse Valley, mutually agreed upon by the British and Chinese governments, arouses the unmitigated wrath of Mr. Holmstrem, and forms the main theme of his argument and appeal to the Americans to beware of being outwitted by the perfidy and rapacity of the English. Now, what does this non-alienation treaty really mean? It means simply the maintenance of the *status quo* as long as China is able to defend it; but that if some other power, taking advantage of China's weakness, should invade the Yangtse Valley, we should have the right of protesting. The *power* of preventing it we should be free to exercise in any case, and we need no treaty to attain it. Whether we should exercise it is doubtful, if we may take as a precedent, the similar stipulation made by the British government in regard to the "Shan" state of Kianghung on the Yunnan border. This the Chinese were compelled to hand over to France, with whose Tonquin conquests it is now incorporated. In this case, our treaty with China turned out to be not worth the paper it was written on; and so undoubtedly will it be, if the occasion ever arises, with our famous treaty regarding the Yangtse Valley.

Now, it is the prospect of the possible alienation of this region, the main seat of our trade in China, that exercises the mind of British writers upon the China question. We cannot get over the fact, which is so exasperating to Mr. Holmstrem that England by her trade has, and deserves to have, a preponderating influence in China. How long her trade will continue to preponderate is doubtful; but it is the plain duty of every one who, like myself, is engaged in that trade to endeavor to preserve it and, seeing that every step in advance that the Russian Colossus has made in Asia has resulted in the relentless shutting out of British and American manufactures, as well as British and American missionaries, from each fresh area annexed, we, who have watched this ominous progress during long residence in the East, are impelled to tell the truth and to warn

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our countrymen and allied trading nations of the inevitable result of the invasion of China by Russia. Hence the unconcealed wrath of the writer of "*Ex Oriente Lux*" with those who innocently attempt to throw light on the Far Eastern problem. Lord Charles Beresford is denounced as having been sent on a *secret mission*, the result of which, had he been a secret envoy, he would certainly not have given to the world, and to Russia, especially, as he has done in his well known "Break-up of China." A Russian cannot get out of his head the fact, true in his own country, that all who speak and write authoritatively speak with authority, little knowing how difficult we find it to gain from our government the hearing we strive for. Thus again speaking of Lord Charles' mission, Mr. Holmstrem writes:

"He was but an emissary, he has fulfilled a mission not wholly self-imposed, and behind him stand such men as Colquhoun and Archibald Little, who may be regarded as men expressing the *mind* of the British Government, as the Admiral is one of their men of action."

I should not have taken such pains to quote Mr. Holmstrem's arguments, nor have thus endeavored to controvert them in detail, but for the fact that prominence has been given to them in an international organ like the NORTH AMERICAN REVIEW, whose influence is such as to weigh upon the decisions of thinking men on both sides of the Atlantic. I am therefore anxious that its readers should have all sides of the question before them—and especially with regard to the Yangtse Valley, which England is represented as trying to annex. As a matter of fact, the British government has not taken a single step pointing to annexation, it has not defined its area nor has it seized an inch of its territory: its gunboats occasionally ascend the Great River, but so do those of all other nations. When I passed through Hankow last summer, a Russian man-of-war was conspicuous, moored off the so-called British, but really cosmopolitan, settlement. I have suggested, it is true, in despair of seeing the integrity of China, for which I have long and ardently pleaded, continuing to be upheld—since the seizure of Manchuria by Russia and of Shantung by Germany—that England should ear-mark the Yangtse Valley as her "sphere of interest" before other powers, notably France, who, with Russia, is making ceaseless efforts to acquire exclusive rights there, should have shut us out. I am Jingo enough to desire that, if there is to

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be a fight over China, England shall not be out of it. I do *not* believe in abdicating where we have long held prescriptive rights; and hence my advice, ("veiled sentences," Mr. Holmstrem calls them), in a recent number of the *Asiatic Quarterly Review*, that if all other European nations have determined to partition China and our pacific remonstrances (in favor of the "open door") are of no avail, then that it is the duty of the government to see that Britain takes her share, if only as a stake and means of bargain for the open door; but I added, and this Mr. Holmstrem does not quote:

"The open door all round is a true, clear policy; it is humane, just to the Chinese, and in the interest of every nation that seeks trade and intercourse with the Chinese, with no ulterior motives of preferential advantages for itself. The nations who now hold the lion's share of the China trade are deeply interested in upholding the *status quo*, and it ought not to be beyond the powers of diplomacy to bring about an agreement between them to resist farther aggression upon China, and to compel the Russians to keep the door open, even in Manchuria, on the terms of our treaties with China. A joint protectorate by these nations, not a political interference, but an assurance against outside aggression, should meet the case if it can be brought about."

Unhappily any such combination to save the venerable survival from antiquity which appeals so strongly to the cultured imagination, as does the tottering empire of China, both as an object of antiquarian interest and as a potentiality of unlimited trade, now appears an Utopian dream. It may not always be so, if we can persuade others to share our views; if we cannot do so, nothing is left for us but to protect our interests as best we may and thus, though I for one do not think it likely, the occupation of the Yangtse Valley may yet come within the sphere of practical politics, which it certainly has not done to-day. Even if it should do so, it will still mean the "open door" to all, as far as trade is concerned, as against the closed doors of all Russian and French annexations to date in Eastern Asia. Hence the interest of America, if she wishes to keep the door open to her trade in China, in giving, at least, her moral support to those who are struggling to the best of their ability to controvert the opposite alternative of preferential railway rates and preferential tariffs generally.

Fortunately, the Americans resident in China and those who are familiar with the subject are all on our side. The Ameri-

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can Asiatic Association and the British China Association march hand-in-hand toward a common object—the upholding of our treaties in China and the maintenance of the *status quo*. Only last winter in Shanghai, the union of the American and the British, supported too by the German residents, has been successful in foiling the intrigues of the French, unwisely backed by Russia, against the extension of the area of the cosmopolitan settlement. This is what Mr. Holmstrem aparently alludes to as the "English advance from Shanghai," adding that "English schemes are *revolutionary* in theory and meant to be carried out by violence in order to pander to the lust of the English for gain and conquest." Now, it cannot be too generally known that, although the square mile of land that was assigned for British residence by the Chinese in 1842 was originally a settlement exclusively British, yet a few years later (I think in 1848) the British government abandoned the exclusive jurisdiction under Consul Balfour, and started it as the cosmopolitan settlement with municipal rule, but under Chinese sovereignty, which it seems happily destined to remain for all time to come. And it was fortunate for the world that our government of the day (Lord Palmerston) inaugurated this liberal policy; as, by so doing, they provided an object lesson in international combination for the common good, quite unique of its kind, which may some day provide a precedent for common international action on a larger scale—

"When the battle-flag is furled
In the parliament of man, the federation of the world."

For there is no necessary conflict of international interests in China: the field is so immense that there is room for the occupation of all the spare capital of both Europe and America, for a century to come, in exploiting the undeveloped resources of the huge Chinese empire. Let everybody, without regard to nationality, be authorized to work at any mining or railroad scheme for which he can produce the *bona fide* capital, and the next capitalist on the scene would still find work to do. So far, in all the concessions granted, Chinese interests have been thoroughly safe-guarded. In fact, China is the main beneficiary under them; for all the work done and the capital invested revert to the Chinese government after a term more or less short. Russia alone forms an exception, in having insisted on the right to build railways on Chinese territory which remain under

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her exclusive control, and it is these railways that form a menace both to Europeans and Chinese, to the latter politically, and to the former commercially. It is, too, a significant fact that, to the opposition of Russia, allied with France, should have been due the delay in the much needed extension of the cosmopolitan settlement at Shanghai. This extension was a necessity, not easily appreciated by those unfamiliar with the conditions under which Shanghai exists. The settlement is administered by a Municipal Council, elected annually from among the cosmopolitan residents, and the result is the enjoyment, within this square mile, of all the amenities of Western civilization. But, Shanghai having become the commercial metropolis of China, populous suburbs have grown up around the privileged district outside of municipal rule: their insanitary condition is a menace to the health of the overcrowded "settlement" and hence their incorporation is a vital necessity which has at last, after many years of weary waiting, been officially acknowledged. This is the game of "grab" which Mr. Holmstrem so virtuously deprecates. The truth is that wherever men of Caucasian race congregate in the East, expansion is a necessity and by no means a "lust of conquest." "Foreign settlements" bring wealth and prosperity to previously decaying regions; by our enterprise we "foreigners" attract population which threatens to crowd us out; Asiatic conditions arise under which the European in hot climates cannot exist, and extension follows to the great benefit of native and European alike. This applies equally to the "Hongkong extension" formed by the recent cession of Kow-loong, which "formidable advance" our author is never tired of citing as the latest instance of "English rapine and slavery—the famous murder for gain."

The catchpenny statement that England is the inveterate enemy of America and ever scheming to injure her, is too absurd to merit contradiction. The argument that "both countries, (Russia and America) afford opportunities for liberty in the highest sense of the word, as founded on genuine equality of rights and certainly realize this idea more than any other country," will certainly be derided, as far as Russia is concerned. The more specious argument that "it was from Asia that the glorious principles of truth, of faith and of love were sent into the world for the salvation of mankind," and that hence "the

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Americans must look far back and far into the Asiatic East in order to shape their progress," may be true if it means that they should take the teaching of the Saviour as their guide in politics, but not if, as Mr. Holmstrem's further remarks would appear to indicate, it means that they should re-baptise themselves in the civilization of China, and that "the American democracy itself, in order to be something whole and undivided, must keep in touch with the spiritual forces which are the symbol of unity—yea, which are unity itself—and which underlay that ancient civilization." The conclusion is "that if America would be true to herself and to her noble traditions she must come over to our side and accept the Eastern conception," for "we have common foes bent on mischief, as Americans will soon realize on their own continent; it would be well for us to reach one another a helping hand where needed."

Flattering as it may be to the Great Republic to have on hand two suitors for her favor like Russia and Great Britain, I do not fear that she can long hesitate in deciding whose policy in Asia best promotes her interests; whether China should be developed under Russian autocracy or under conditions of free competition for all, as it will be wherever British influence predominates. Idealists, like Mr. Stead, see only the good side of Russian aims and civilization, but practical men of business feel the pressure of her exclusive commercial policy and dread the arbitrary rule of her officials. There are two Russias, a liberal, peaceful Russia, and an aggressive, despotic Russia. The latter is now in the ascendant, and we have cause to fear its action in China. No one knows better than do Russian publicists and politicians that the British Premier, Lord Salisbury, spoke the truth when he said a year ago in the House of Lords: "If I am asked what is our policy in China, it is the maintenance of the integrity and independence of the Empire and its guidance in the paths of reform." All nations have been invited to join us in upholding this integrity; had Russia been sincere in her protestations, she would have promptly joined us in protecting the Empire from outside aggressions. Germany could not then have seized Kiao-chao, and Manchuria would not have been lost to China. Possibly, we may yet, with the moral support of America, succeed in upholding what is still left of the integrity of the tottering Empire.

The fact of the matter is, as a Russian writer in the London

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Daily Mail has recently pointed out, that Russia is passing through a crisis at the present moment.

"The dark spirits collected round the throne by the late Emperor are still there, but the leaden hand that gave to their actions some uniformity, is gone, and at present we have, instead of one irresponsible potentate, quite a number of them. The main feature of the foreign policy of Russia is to press in the direction of the line of least resistance. The pushing Russian foreign policy is mainly due to financial considerations. The mass of the population is ruined, consequently the internal market is going down. Therefore, all the tendencies and hopes of Russian financiers are fixed upon transferring the center of gravity of taxation from agriculture to manufacturing industry, and thus saving the State Budget. M. Witte is artificially feeding and rearing that industry, and in the meantime foreign markets are being hastily created by means of all kinds of annexations, and then safeguarded from foreign competition. The success of this financial policy depends on whether M. Witte succeeds in strengthening the capitalistic productiveness of the manufacturing industry, before the financial crisis arising out of the *ruin of the agricultural population* comes. M. Witte is showing signs of alarm that he will not succeed. He has already exhausted all the means at his disposal for keeping up the balance. All the tricks for favorably arranging the items of the State Budget on paper have been resorted to; direct and indirect taxation have reached their highest possible point, and yet the danger of having to wind up the next budget with a deficit is staring M. Witte in the face."

Russia is in the cruel position of having to ship away the food products of her impoverished peasantry at home, in order to meet her heavy commitments abroad, and pay the inexorable interest of her extravagant loans in foreign lands; yet the forward party, who have the ear of the Czar, are constantly pushing her into fresh ventures and fresh extravagances in pursuit of fresh annexations. She reminds one of a bankrupt, before his exposure, plunging into reckless speculation, hoping, while his credit lasts, that a fortunate *coup* may bring him round; if not, the inevitable deluge. In such circumstances, one would think that Russia would be glad to arrest her ambition and come to an amicable arrangement with the Western Powers in regard to the position of China, and cease to block the way in Peking when Germany or England attempts to put through fresh industrial enterprises. Russia herself can do nothing without borrowed money: foreign capital is her last resource, and "M. Witte does his best to lure it to Russia with the prospect of mulcting it in the near future."

As regards America, her interests in China, so far, have not suffered. Her trade still flourishes. The door for her imports into Manchuria and Shantung has not yet been shut, though

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there is no guarantee that it will not be closed in the near future. France has already closed the door in the South, in Tonkin, and imposes a differential transit tax of ten per cent. on American goods crossing her border on their way from the free port and depôt of Hongkong to the still Chinese province of Yunnan. Americans have secured a concession for one of the best trunk lines of railway in China—that from Canton, in the South, to Hankow, in the heart of the Yangtse Valley—and it is thus doubly in the interest of America to join in keeping the Yangtse Valley open, together with such remainder of the eighteen great provinces of China proper, and her outlying dependencies, as still remains free. As for Mr. Holmstrem's tirades against England, they remind us of nothing so much as of the old Italian proverb, "*The offender never pardons.*"

ARCHIBALD LITTLE.

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THE FOREIGN SERVICE OF THE UNITED STATES.

BY FRANCIS B. LOOMIS, UNITED STATES MINISTER TO VENEZUELA.

WHOLESOME criticism of the Diplomatic and Consular Service of the United States, which for several years has been growing in vigor and volume, has recently shown an unfortunate tendency to degenerate into unintelligent and unjust attack upon a body of public officials which is not without very considerable merit.

In considering some of the harsh judgments passed upon the officials of the United States engaged in its foreign service, I shall refer more particularly to the Consuls. To attack them in a sweeping, undiscriminating way, has come to be almost a habit with many Americans who travel abroad and with business men who feel the need of foreign markets, but who are too inactive, too ill-informed or too stupid to take advantage of the opportunities for increasing export trade which the Government is persistently setting before the people of the United States. Business men who fail in the foreign markets become very severe critics of the United States Consul, and their chorus of detraction is often swelled by those who work loyally and untiringly to secure the extension of the merit system to our foreign service.

According to the public press, it has recently been asserted in an address or lecture by a former Assistant Cabinet Officer, that "our Diplomatic Service is a disgrace," and we are almost daily informed that our Consular Service is "the worst in the world." The latter assertion, indeed, may be said to be the burden of the complaining song of those who assail our Consular system without adequate knowledge of the efficiency of foreign consuls, and the systems under which they work.

One cannot defend what is known as our "Consular System"

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as it exists to-day, but surely there is much to be said for the results that have been achieved, in spite of the faults of the system itself. No objection can be made to well considered criticism, and it takes no gift of uncommon or profound penetration to discover the weak places in our system. Happily for the country, however, they are mainly on the surface and, for that reason, are more readily discovered, and may be more easily corrected.

The salient fault of the preponderating mode of criticism of our Foreign Service is that it is not discriminating, is not founded upon comprehensive, accurate knowledge, and in most cases, is neither precise nor specific. The parrot cry, "We have the worst consular system in the world," has gained currency, credence and authority by the irresistible force of reiteration. It is a slashing, ill-considered phrase, and one that is misleading and confusing.

A considerable portion of the condemnation of the consular service is based on the social shortcomings of many of our consuls and their lack of familiarity with many of the conventional proprieties. In the south of France I was once invited with the officers of one of our men of war, to dine with the Prefect of the department. This important representative official was a man of ancient and illustrious family. He was cultured, rich and refined in manner and talk. He was also an accomplished linguist and spoke English correctly and fluently. In short, he was a many-sided man who deserved and commanded respect. Shortly after we had taken our seat at the table, and while the delicious, delicately seasoned *potage* was being eaten, there was a lull for a few seconds in the conversation, and the loud, drawling voice of the American Consul was heard exclaiming, with great earnestness: "By thunder, Mr. Prefect, this is bully soup." Of course, the Consul's fellow-countrymen present were sorry and chagrined, yet the expression of robust satisfaction was so genuine, so obviously just, so innocently uttered, so pregnant with good faith and profound conviction, that I think our host was not displeased. This consul was a child of nature; he was quite unfamiliar with some of the small refinements and conventions of cosmopolitan society, but he was intelligent, alert, honest, careful and kind-hearted. He was the possessor of a splendid physique, was endowed with much personal magnetism, and was bristling with Americanism. He had had practical experience in many walks of life. Nine per-

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sons in ten who saw this consul at the Prefect's dinner-table would declare that he was unfit for the official position which he held; but it should be remembered that such incidents do not illustrate the fitness or unfitness of a Consular Officer for the serious business of the service. It would be a great deal better, and far more soothing to our pride, if all our Consuls were accomplished men of the world, as well as capable, industrious, honest commercial agents of the Government; but it is vain to expect too much at once, especially at this stage of our development. The Consul to whom I have referred was a very efficient officer. The Department of State thought extremely well of him. He was a shrewd observer; he saw and reported with graphic felicity many fresh, pertinent and important facts in the field of foreign commerce and manufactures; his reports pointed the way and opened the doors to new markets for the products of many American factories. At the end of two years, he had acquired the language of the country to which he was accredited, and at the end of four years he was turned out of office just when his usefulness to his own country was greatest. This is a real case, and it is a typical one. It proves many things. One is that the tenure of office should be longer; it does not prove, however, that it should be for life, as many advocates of Consular Reform suggest.

To those of us who have had practical, personal knowledge of our foreign service, who have been Consular officers, who have a keen sense of the imperfections of our Consular System and who know something at the same time of its splendid possibilities, the idea of permanent, uninterrupted service abroad has never seemed a satisfactory corrective for the present ills. There is a danger that long residence abroad would unfit many men for the work of accurately and ably representing the business interests of their own country. My own observation, and it is one that I share with a great many men who have been employed in the Foreign Service of the United States, is that most consuls who have lived abroad for a long period unconsciously drift away from the distinctive sentiment, thought and purposes of the United States. They lose touch with their countrymen, and they are certainly very much less American in their ideas and activities than when they entered the service; and I here use the word "American" in its best and highest sense. Consuls who live ten or a dozen years abroad without returning, except for an occasional, very

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brief visit, to the United States, lose the individuality which appertains to their national character and insensibly merge into their foreign environment. They develop an excess of mental adaptability, they harmonize too serenely and completely with their surroundings. They gain polish and culture, but lose all ambition, save the ambition to live abroad. Too often they become severe, habitual critics of their own country. Our tariff legislation gives them pain, for the reason that it is unpopular abroad, annoys their foreign friends and, in some cases, causes them financial loss. The attitude toward his own country of the Consul who has been a long time abroad is frequently one of apology both for that country and its people. When a Consular or Diplomatic Officer reaches this condition of development or degeneracy, his usefulness as a public functionary ceases. He is no longer a true and efficient representative of his country. We have no reason to send abroad salaried apologists. We want the men in our foreign service to represent the good will and good breeding of their country, but we cannot afford to keep our Consulates filled with men who succumb too readily to the blandishments and influences of their foreign surroundings. When a man in our Foreign Service begins to think that he must habitually and servilely defer to the opinions and wishes of the people among whom he happens to be living, he is no doubt successfully flattering the people about him, but he is also winning and meriting their concealed contempt, and is wofully misrepresenting his countrymen. We must be represented abroad by Americans, by men who have a vital interest in their country, by men who have a firm, inherent, but modest pride in it, and who will uphold its good qualities rather than apologize for the traits that half-informed foreigners are pleased to discover and object to. Intelligent Americans are aware of the personal and national faults of the race; if they need assistance in having their shortcomings emphasized and pointed out, there is always a considerable number of foreign tourists, travellers and men of letters who are willing to lend themselves to this task with candor and enthusiasm.

It is difficult to determine what should be the tenure of office for a Consul. One great and, I think, universally acknowledged merit of the present system is that, by reason of the frequent changes, we get better work in the way of reports from our consuls than do those Governments which keep officers of this class per-

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manently in their positions. It is essentially important that we should send abroad men with fresh eyes, and with the capacity of taking fresh points of view. This is a consideration which ought to receive due weight in extending the merit system to the Consular Service. It is one that cannot be ignored without the risk of rendering the service inflexible, cumbersome and inapt.

Our Consular System has been made the subject of a thorough, searching and scientific study by many of our commercial rivals, and the manufacturers, the merchants, the bankers and certain officials of Great Britain, Germany, France and Italy have been observing with jealous, watchful eyes the methods and achievements of the Consular Officers of the United States. In this work-a-day world, results furnish the accepted measure of success of a system, and of a governmental or business organization; and, measured by results based upon the observation and verdicts of our commercial rivals, the Consular System of the United States seems not greatly to suffer by comparison with that of any other country.

The trade journals of England and Germany have been commenting, freely, frequently and copiously for several years, upon the excellent work of American consuls. The high character of the commercial reports furnished by our Consular Officers was recently made a conspicuous subject of discussion by a member of the House of Commons, somewhat to the disparagement of the British Consular Service; and in a recent number of "*La Revue Diplomatique,*" the organ of the French Diplomatic and Consular Service, are the subjoined keen and just observations:

"The Americans are practical men, and their instinct for business is marvelous. Nothing is more characteristic in this respect than the organization of their consular corps. Its duty is that of a sort of bureau of information at the expense of the State. It is recruited principally from journalists, who carry into their official career the trained instinct of observation, the quick grasp of passing events which belong to their former profession. They remain in close and sympathetic touch with their former readers.

"In some countries, the official printing office leisurely prepares the proofs of consular reports. These are returned for correction to the consuls, and when they finally appear they are no longer of interest. They are of an historic rather than a business character. But the American consul knows that his notes will go without delay immediately to the public, and he gives in them, like a good reporter, information down to the latest hour.

"The American consul does not understand that he has a commercial situation to maintain, but always a commercial situation to conquer. His ingenuity is exercised to invent and find new markets,

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and in his study of ways and means, he descends to the most minute details.

"For instance, the Americans have wheat to sell. The Consul at Amoy proposes to import it into China. But the Chinese do not eat wheat. They must then be taught to eat it. It is noticed that the Chinese *gargotiers* (cook-shops) form associations in which they readily copy or imitate each other. The consul suggests that some dozens of these be selected, wheat given them *gratis*, and they be taught to make a few cheap, simple dishes. The fashion would spread rapidly among the restaurants, and from there to the families. Here is an instance of imagination and, at the same time, of practical good sense. The Americans do not lack a certain sentimentality in business. Last year, at Caracas, they offered to the President a banquet where were served only dishes prepared from products of American origin. Enterprising and ingenious in the new countries, it is above all in Europe that the American consuls are active and aggressive. Despite their colonial conquests, the Americans have comprehended that the real struggle remains in the old markets; that there are great fields to be cultivated; that *there* especially is the hard school that will force them to manufacture and sell better than all others.

"They have commenced their industrial expansion by striking at the very heart of the old industry, in conquering the English firms in the Birmingham market. Their principles and rules are those of sport. The record must be beaten. Their consuls have won the admiration of the English.

" 'The English merchants,' says a journal of Birmingham in October last, 'commence to ask why our consuls do not work in the same spirit as the American consuls.' These consuls interest themselves immediately after they reach their post in all that surrounds them, just as they did before, as journalists. That which they do not know, they learn. One sees by this that the Americans have the art of putting life and initiative into a career where other people rest upon routine and immobility."

In a recent number, *The Consular Journal and Great Britain* prints a leading editorial in which elaborate comparison is made between the Consular systems of Great Britain and the United States. The writer says, in part, that the present method of appointing United States Consular officers has very patent drawbacks.

"There is just the possibility that the system of rewarding political service may prepare the way for the entrance of men who are not altogether fitted for the post. The possibility, however, though existent, is not largely operative, for its legitimate presumption is that a man who has distinguished himself in politics must be a man of the world, and possessed of tact and common sense. It is certainly an objection, though, to the scheme, that, just when a man is accustomed to his surroundings, and has so to speak, learnt his way about, he should be obliged to pull up his roots and abandon the Consulate, whose duties he has performed so well.

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"We cannot say, with the experience of our own Consular Service to guide us, that the alteration suggested in the States would be altogether beneficial. A lad, fresh crammed from college, might be able, in an examination, to beat a man whose business tact, commercial experience and desirable personality renders him an ideal Consul. Besides, in our own service there is altogether too much of caste. There is, if anything, too much of the security of tenure principle about our own service. The Consul by no means keeps up his acquaintance with commercial England. In the majority of cases, he may have had no business training or experience, and yet, on the strength of his superficial 'cram' knowledge, he is chosen for the post. But not only does this weakness in the system of the selection of our Consular officers reflect discredit upon the Foreign Office, it shows that other nations obtain much better and more reliable work from their officers than we do.

"Thus, a Consular officer of the United States' Government is, to begin with, not so well paid as ours. But still, for all that, the work achieved by him is certainly superior to that done by our Consular officers abroad. He is, in fact, the servant of the officials and the people, and neither let him have many idle moments. He must prepare exhaustive lists of important shipping and commercial statistics. He must be constantly on the alert to discover new trade tendencies, and then he must exhaustively report thereon, and of such importance does Congress think these advices that they publish them daily as soon as received. Under all these circumstances, it is plain that the perfect Consular Service is neither with us nor with the Americans. Certainly, if the present system of 'spoils' is departed from, there is more than a probability of 'social successes,' 'tea and tennis men,' finding their way to the ranks of Consuls, to the certain prejudice of the Service."

The same journal also prints this note:

"What is Expected of German Consuls.—Under this heading, the *'Central Zeitung für Optik und Mechanik'* says that all the other countries of the world are left far behind in respect to Consular enterprise by the United States. In Italy, for example, the Consuls have begun a campaign in the press in order to get American goods into favorable competition with German and Swiss merchandise on the markets of Turin, Rome and Messina. 'Their knowledge is more general than that of our Consuls, and our Government would do well to choose its Consuls as the United States do theirs—widely informed men, ever awake to the commercial interests of their country.' "

It seems, after all, that our system has its good points and that the tenure of service may be too long.

I have always been in sympathy with the idea of the merit system and have welcomed every sensible and effective effort to advance the policy of Civil Service Reform, but I prefer to see these things from the practical point of view, and our attempts at reform have not always been either sensible or practical. Frequently, too much has been attempted and the onward march of

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reform has thus been delayed. I think this is true in respect to our foreign service. Many excellent bills, looking to its radical reorganization, have been introduced in Congress, but they have been too sweeping in their provisions. The men who do the active work in politics and who reap large rewards, seem not to be quite ready for a complete reorganization of the foreign service of the United States. Systems do not change in a day. We cannot pass with facility from the present organization to the merit system without preparation, experiment and ample time for adjustment to the new order of things. I think it is neither selfishness nor lack of patriotism which moves Senators and Representatives in Congress to oppose the immediate application of the merit system to the whole of our Foreign Service. Every intelligent public man feels that this just and essential reform must come, but many of those in Congress and in other official stations would like the change to be gradual enough to enable Congress to devise the best possible system to meet our peculiar needs and conditions.

It is not at all certain, as I have suggested, that Consular officers should be appointed for life. There are many important phases touching the question of "tenure" to be considered, and details to be worked out, before a complete change can be made. It seems to me there is much to be said in favor of an experimental method of reform for two reasons: (1.) because it will teach us much we need to know, and will make our course in the future plainer and easier; (2.) because it is impossible from a practical point of view.

Consent by Congress to the appointment of a limited number of Consular officers even for life could probably be obtained.

As a step toward putting our Foreign Service upon a permanent basis, the appointment is suggested, for a term of ten or fifteen years or for life, of ten Consuls-General, fifteen Consuls of the first class, twenty-five of the second class and forty Vice-Consuls. These men should be appointed only after an examination which should be a genuine test of their fitness for foreign service, and among the requirements should be the power to speak one or more foreign languages with facility. The law should provide that not more than one-half of the Consuls and Vice-Consuls should be appointed from the same political party, and preference should be given to those who have served with distinction, and to those now in the service who have the highest records for effi-

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ciency. Consuls-General should be paid seven thousand five hundred dollars a year; Consuls of the first class five thousand dollars a year, Consuls of the second class three thousand dollars a year, and Vice-Consuls from twelve to eighteen hundred dollars a year, according to the length of their term of service and the importance of their post. The Vice-Consuls should be what are known in the service as "independent Consular officers," and they should be placed in charge of what are now the smaller Consulates. The adoption of some such plan as I have very briefly outlined would furnish the nucleus for the reorganization of the Consular Corps on a permanent basis. It would enable us to work out, in a small and comparatively inexpensive way, the system of permanent organization most accurately adapted to our unique and manifold needs, and would reduce the patronage now furnished by the foreign service by about twenty-five per cent. It would be a distinct gain for reform, a practical forward movement from which there could be no retreat.

An essential feature of this proposed arrangement would be the empowering of the Secretary of State to shift the Consular officers about at will, in short, to use them in such places and in such mannners as he might deem best for the interests of the Government. Lack of this power is one of the main faults of the present system. Sending foreign-born citizens back to the country of their origin as Consular officers of the United States is another practice long in vogue, which in many cases has given very bad results. Consuls who are appointed for a long term of years should be brought to the United States for a period of four or five months every third year for a course of work and instruction, and they should be assigned to our technical and commercial schools and colleges for purposes of delivering lectures on foreign commerce. It seems to me they might render a very important service in this way, and at the same time be gaining in touch and sympathy and community of interests with their fellow-countrymen, and informing themselves concerning the latest needs and developments in the world of business and commerce.

The Consular Service will be reorganized in all probability long before the Diplomatic Service is submitted to that much-needed and important process. There exists now, as ever, need for at least a small band of trained diplomatists who could be called upon as specialists to act in emergencies, and who could be at the

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disposition of the President for any service he might require. We have one high official in the Department of State who has given the best of his life to the public service, who has had wide experience both abroad and at Washington. No Foreign Office in the world has an abler or more efficient Under-Secretary, and it seems to me that there is a lesson to be drawn from the great usefulness which long service, wedded to natural ability, has enabled this official to attain. It would be a safe experiment to appoint for life six or seven Ministers Plenipotentiary. These men would form a permanent, trained Diplomatic Corps which could be used for ordinary service and for special commissions. Their appointment would be a strong "hint toward reform," and would in no wise tend to embarrass the foreign policy of any administration, because the President could be authorized to assign them to such service as he pleased. He would still have the absolute appointment of about thirty Ministers. There should also be appointed for a long term of years, or for life, about twenty well paid Secretaries of Legation.

The Government of the United States is expending a truly vast amount of energy, talent and money upon the task of expanding its foreign commerce. The Department of State, the Treasury Department, the Agricultural Department are daily, monthly and annually pouring forth for the information and instruction of American producers and shippers a copious stream of pertinent and often invaluable information. No foreign Government in the world is doing so much for its merchants, manufacturers, shippers and producers of all classes as the Government of the United States is doing to-day. The work of the Government is supplemented by that of many business organizations and associations, and our foreign commerce is advancing with mighty strides, yet I think it is a fact that only a very small percentage of the manufacturers of the United States have established direct relations with foreign markets. The majority of them think it is not worth while, and are entirely unwilling to divert, in the slightest degree, their attention and efforts from the splendid home market at their doors.

I am always greatly surprised and annoyed at the notion, set forth by divers business men in this country, that our export trade is seriously limited by reason of the inefficiency of the Consular Service. This is not quite true. Undoubtedly, the Consular Service,

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if it were reorganized and more efficient, would be a still more potent factor in expanding our foreign commerce, but if that branch of commerce is not as large as it should be to-day the fault lies not with the Government nor with the Consuls, but with a certain class of inefficient business men who are not clever enough to take advantage of the splendid opportunities which the Government, through the medium of its Consular officers, is almost daily pointing out to them. I regret to say that many of our manufacturers who enjoy a reputation for sagacity and business ability in the United States, when they attempt for the first time to send goods abroad, make the effort in a manner so unintelligent, so feeble, so lacking in the spirit, insight and mastery of the trade conditions which mark their efforts at home, that the attempt is foredoomed to failure. The average American manufacturer will not patiently and intelligently study the needs and conditions of foreign markets. He will not adapt his ways and his wares to them, nor will he send competent salesmen abroad to introduce his goods. He will not conform to the buying, selling and credit system of foreign countries; and he obstinately refuses to admit that there is any other sane or successful system of doing business than the American way. I am not making an exaggerated statement. I know, from personal experience, that there are scores of so-called intelligent business men in the United States, who expect to introduce their goods abroad and to create a demand for them by sending to the Consul for distribution a box of circulars or catalogues printed in English. There are manufacturers who send large sample lots of their goods abroad, and neglect for more than a year to furnish their foreign agent with either the cost or selling prices. This impotent sort of effort cannot compete with the steady, persistent, patient work of the German, English, French and Italian exporter.

The European merchants come, for instance, to South America, and they come with capital. They look upon a venture there in the nature of a permanent investment. From their home offices and counting-houses and factories, they send young men to be trained in South American business methods, to learn the needs and opportunities of the market. These young men see what the South Americans want, and when they return to Europe they are able to supply every demand which exists in that field of trade. The foreign Consul plays his part too. He assists his country-

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men, suggests business opportunities and protects their interests; but he does no more than any good American Consul would do, and generally does do; the difference is that the European producers are systematically and energetically seeking foreign trade, and they have the courage of their convictions and of their capital. If we want to get something out of a country, we must put something into it. Europeans learned this vital commercial truth long ago, and they have been applying it in South America for a quarter of a century.

From a practical point of view, the Consular Service of the United States has been impaired by a well-meaning, but premature, abolition or abridgement of certain fees which Consuls used to receive for services of a semi-official or notarial character. What is known as the "fee system" of payment is open to many objections, for it has afforded opportunities for irregular and excessive charges; but the objections or evils of the "fee system," as it relates to the Consular Service, have been overrated and magnified in a wholly unwarranted manner. This has sometimes been done through impatient desire for positive, definite action of a reform character.

Some of the fees formerly received by Consuls have been suppressed, and some have been made payable to the Government, instead of being added to the income of the Consul, as was formerly the case. To any unbiased mind it should be obvious that fees, which are not, after all, in themselves a reprehensible form of income, ought not to be reduced or abolished until compensation for income thus curtailed can be made in the way of increased salary. At least sixty per cent. of our Consular officers are insufficiently paid, and grave inequalities exist in respect to the Consular salaries as a whole. Many worthy, hard-working Consuls, who have duties of a responsible character to perform, are most inadequately remunerated, and are unable to support their families in moderate comfort upon the slender salaries which Congress allows them. Even the capable, broadly-experienced Chief of the Consular Bureau is wretchedly underpaid and it is largely through patriotism that he sticks to his important, ill-requited task. By reason of inadequate compensation, it is a matter of great difficulty to find good men for all the Consulates. It is true that there are few vacancies, but it would be better to leave a post unfilled than to have it filled unworthily.

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There is many a Consular office, the incumbent of which receives a salary of fifteen hundred to two thousand dollars a year; formerly in addition to his salary he received fees, which added, probably, a thousand dollars a year to his income. These fees were, of course, largely paid by foreigners having business relations with the United States, and as these foreign producers are making large profits annually from their export trade with the United States, it seems to me they should be allowed to contribute something to the service which is, in a measure, maintained for their convenience, though, of course, that is not its chief or primary object.

I know a score of Consuls who are so sadly underpaid that they are forced to live shabbily, and are subject to divers humiliations by reason of their inadequate income. These posts, in common with many others, are becoming untenable for men of high character, by reason of the small pay and the ill-advised tinkering with fees, on the part of well-meaning persons who had no power whatsoever to make the slightest advance in salaries, as an offset to the loss through fees which have been prematurely abolished or reduced, and always, save in a few exceptional instances, in the name of reform. I should be glad to see all unofficial fees abolished, but simultaneously with that act I hope to see salaries decently increased and equalized. Until this can be done, let us cease cutting off fees and calling the act which seriously cripples the service a measure of reform.

FRANCIS BUTLER LOOMIS.

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A VINDICATION OF THE BOERS.

A REJOINDER TO MR. SYDNEY BROOKS.

BY A DIPLOMAT.

ONE of the principal arguments used against the Boers is that they are not only a stationary, but a positively retrograde, people. Among the proofs adduced to substantiate this charge, no one has thought, "*et pour cause*," of mentioning the fact that they are totally ignorant of the art of using the press as a means of influencing public opinion.

The English, with whom, through centuries of initiation, the press has become such a mighty instrument of combat or propaganda, have flooded the world with a mass of publications designed to ruin the Boer cause in both hemispheres. The success of this campaign has been facilitated by the fact that foreign interests in the Transvaal, other than English, could only hope to benefit by it simultaneously with the English interests. Thus, the United States and even France have endorsed the British view of the question. On the other hand, the Boers have done nothing to meet their adversaries on this most important field of international warfare. Trusting exclusively to diplomatic action and military resistance to foil the purpose of the English—with what success in the former line the ostentatious passage of the German Emperor from sympathy to indifference, and the open opposition of France to their claims, have already told us; and, in the latter line, England's determination makes it only too easy to predict—they have totally neglected to enlist public sympathy in foreign countries on their side; and yet their case offers aspects which, properly presented, could not fail to cause the impartial mind to pause and deny the righteousness of the English demands. Whether this feeling would take the form of any practical ad-

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vantage to the Boers, is more than questionable; but it is always desirable for a nation, if only in the interest of morality and its own reputation, to establish its innocence and proclaim the guilt of the aggressor.

It has struck the writer of these pages that what the Boer government and citizens have refrained from doing, a foreigner, totally unconnected with them, might think of achieving, prompted thereto simply by his sympathy with the persecuted, and by the innate impulse of man to disprove error and combat injustice. By placing myself on the broad grounds of public and international law, natural equity and history, I hope to cover the whole subject of the debate now raging between the "Paramount Power" in South Africa and the Boers, and so help in popularizing the conclusion that the Transvaal is only fighting for dear life against a foe who is meditating a crime nearly as great as was the suppression of Poland.

Before going deeper into the matter, I should like to express the sentiment that, in constituting myself the champion of the Boers, or rather of international faith and honesty, in a United States Review, I address myself more particularly to that section of the American people whose inborn love of truth and justice will not allow their judgment to be obscured by sympathy of race, or by a certain analogy of situations and methods of solution between what was the Cuban Question for the Americans, and what is the Transvaal Question for the English.

The July number of the NORTH AMERICAN REVIEW contains a very interesting article by Mr. Sydney Brooks, dealing with the subject we have in hand from the English point of view. It has occurred to me that an excellent way of carrying out my object is to follow Mr. Brooks in his very complete statement of the case, esteeming that, if I can prove the appreciations of this earnest and well equipped upholder of the Uitlander *Credo* to be false, I shall have achieved a sufficient triumph for the Boers.

After deploring the breakdown of the negotiations between President Krüger and Sir Alfred Milner, in which sentiment everybody must join, Mr. Brooks prefaces his account of the present condition of affairs in the Transvaal with a short review of what is known as the Suzerainty question. From this description we gather that, as a result of a struggle reaching far back into the beginning of the century, and marked by the pas-

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sionate attachment of the Boers to their independence and by a lesser tenacity of feeling on the part of the English, two conventions were concluded—one at Pretoria, the other in London; the last of which, although giving away a great deal of the authority maintained by England over the Transvaal, notwithstanding the defeat at Majuba Hill, still kept the Republic in a state of subjection to English control in one or two things. Mr. Brooks goes on to say, and he proves it vigorously, that this right of partial control—call it "suzerainty" or anything else, the term has no importance—to which England clings with great fervor, especially since the discovery of gold in the Transvaal, constitutes a worthless instrument in her hands, whereas it is wormwood and gall to the Boers. Finally, Mr. Brooks suggests—and this suggestion should be particularly noticed, because it embodies his idea of a solution of the Transvaal question—that the total surrender of this right of control on the part of the English should and might be a means of achieving a settlement of the affairs in dispute, because "there are probably few concessions President Krüger would not be glad to make, in order to sweep away the limitations on the full sovereignty of the Transvaal and place the Republic on an equality with Great Britain."

Now, here I part from Mr. Brooks. If it is an illusory advantage for England to claim suzerainty over the Transvaal, as granted by the London convention, it would be no less illusory a concession to the Republic to free her from the effect of mere empty words. Undoubtedly, the Boers would derive a moral satisfaction from the proclamation of their complete independence; but, before making a bargain in that direction, President Krüger, of whose shrewdness Mr. Brooks is rightly assured, must see to it that he does not give very valuable wares in exchange for false coin. Why, if the proposition of Mr. Brooks means anything at all, it signifies that the privilege of freeing itself from an insignificant state of dependency is to be acquired by the Transvaal for the enfranchisement of the Uitlanders—that is to say, for a weapon with which the English will obtain a complete mastery over it. There is mockery in Mr. Brooks' advice; although he may deny this by saying, as in fact he does say in the course of his argument, that the enfranchisement of the English will not lead to any substitution of authority in the Transvaal. He may say so; but who can help smiling at such a declaration. However,

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this aspect of the case should not concern us just yet. Let us first look into the matter of enfranchisement, considered as a grievance of the Uitlanders, and speak of it together with their other complaints.

The whole Transvaal issue hinges on one question: Have the Boers the right to govern themselves as they choose; or, rather, have the English the right to interfere with the form of government, administration and life that the Boers have chosen for themselves? The answer to this query involves considerations of public and international law which are of great importance.

It is the practice of those Powers who have embarked on colonization to occupy territories belonging to savage or semi-savage populations, without much reference to the lawfulness of the operation. In this way, England, France, Germany, ill-advised Italy, and, recently, the United States have spread their dominion over immense tracts of country. Challenged to prove the justifiableness of their conduct, they will begin by solemnly invoking the clauses of conventions concluded with local potentates; and, when the flimsiness and utter hypocrisy of this line of defence are denounced—for we all know the part that intimidation and gin play in these transactions—they fall back on the plea that they are acting in the name of the higher interests of humanity; nay, some say, and they have said it in verse (*vide* Kipling's poem on "The White Man's Burden"), that they are *sacrificing* themselves in behalf of a high notion of duty. Thus, quite a new doctrine has sprung up. Undoubtedly, the substitution of enlightened Enropean or American rule for the primitive and too often ferocious modes of savage administration benefits mankind and the natives themselves, for whom it is not much of a gain, but still a gain, to die from gin instead of by murdering one another. Yet it would seem that there is something lame in the colonial doctrine, since, even in the most flagrant cases of incapacity on the part of barbarous races to govern themselves, the violent or stealthy occupation of their territories causes a secret unrest to the public conscience and mind. This uneasiness does not result so much from the long standing conviction, confirmed by the accusations imprudently hurled by the Powers against one another in their spiteful moods, that national, and sometimes only personal, greed is at the bottom of colonization, as from a deeper, though vaguer, source of misgiving. If we exert our minds to

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give body and shape to this feeling, we recognize in it the instinctive revolt of our nature against anything that threatens the foundations of society; and this the colonial doctrine does, because it is the indirect negation of the principle of property, whether individual or national. That this is so, and that it contains the germ of shocking disturbances to the peace of the world, —a germ whose growth helps to render even more farcical the meeting of the conference which recently sat at the Hague—is strikingly proved by what is going on in China, and, what is of more special interest to us, by the events hurriedly preparing in the Transvaal.

From being applied only to the savage populations of Africa and Asia, the principle of the rights of superior races and civilizations has come, by a steep incline, to mean also that it has reference to countries like the Celestial Empire and the Boer Republic. Between the Zulus and the Boers, what is the difference? Only one of degree. Fine reasoning clears the way for the perpetration of any outrage on the liberty and sovereignty of minor or weak States.

I do not mean to contradict my former statement, which is sincere, notwithstanding the irony it seems to contain, regarding the general profit arising from the substitution of civilization for barbarism—especially when the barbarism is of a sanguinary kind —and the justification of transfer of territory in such cases; but what I want to point out is that, invented in an hour of need, a principle has been laid down which is false, because it is loose in its aim and wording, and thus leaves the door open to abuse. We are thus confronted with the angry claims of the English to govern in the Transvaal—enfranchisement means nothing else—followed by threats of war if they are not satisfied.

The demonstration of the inferiority of the Boers is eagerly undertaken by Mr. Brooks, who calls the situation in the Transvaal "almost too fantastic for serious presentation." On the one hand, we are presented with a bright sketch of the qualities and achievements of the Uitlanders; on the other, with a sombre picture of the Boers, which represents them as being in a semi-barbarous condition. Mr. Brooks says:

"A half nomad people, of sullen and unsocial temperament, severed from Europe and its influences for over two hundred years, living rudely and contentedly on the vast, arid holdings where their sheep and cattle are pastured—each man as far as may be from his neigh-

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bor—disdaining trade, disdaining agriculture, ignorant to an almost inconceivable degree of ignorance, without music, literature or art, superstitious, grimly religious, they are in all things, except courage and stubbornness of character, the very antithesis of the strangers settled among them."

And yet, *horribile dictu*, these strangers are kept "in complete subjection to their bucolic task masters." Thus, out of the superiority of the Uitlanders arises a demand for a share in the legislation of the Transvaal; and, because this is opposed, it becomes an additional grievance, the principal one.

Now, what are the specific grievances originally formulated by the Uitlanders? Mr. Brooks speaks of bad administration, as illustrated by the absence of sufficient police and sanitary arrangements, by the prostitution of the law courts to the whims of the legislature, and by the adoption of prohibitive measures against commerce and industry and the spread of the English language. Even if this is a correct representation of the state of things in the Transvaal—and it may be, except in its reference to justice, which is susceptible of reservations—the English cannot make it a plea for the suppression of Boer government, because that government, although primitive and slowly progressive, as I can afford to admit it is, does not come within the class of institutions which are an outragé to the moral feelings of mankind and provide the only excuse a State can invoke for the suppression of another State. No Englishman, I hope, will deny that the essential notions of morality, if not of civilization, pervade the Transvaal State. What is missing in it, is a set of institutions and ideas productive of well being and luxury. The faculty of a people to dispense with these, calls forth the frequent commendation of the English themselves in their political and social literature, as well as in their current talk, with the help of expressions such as "healthy simplicity of life," "freedom from the enervating and corrupting influences of civilization," and so forth. Besides, the unfriendliness of the soil, as well as the geographical situation, of the Transvaal, together with other circumstances, conspired to maintain the Boer community in the state of primitiveness to which it adhered as a matter of temperament, as well as of social and religious principle. If, even after the discovery of the gold mines, it did not adopt the Anglo-Saxon ideal of a State, it was—supposing there be any necessity to justify a belated form of existence in a nation on other grounds than that of

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its right to shape its destinies as it pleases, provided it does not tend to become a source of immorality—it was, I say, because, by opposing the spread of what is called civilization within its confines, it hoped to discourage the influx of foreigners, in whose presence, especially in that of the English, it immediately detected the germ of a great danger to its independence. In fact, the inertia of the Boers in the matter of reforms, and their activity in creating obstacles to the development of industry and commerce and to the use of the English language, are inspired as much by this thought as by their constitutional aversion to what the English are free to call "the blessings," and what *they* are free to call "the curses," of civilization. If there is one duty to which a State is more particularly pledged than to any other, it is the obligation to maintain its existence, and to prefer its own interests to those of other Powers. With this object in view, the Boers are distinctly justified in overlooking the complaints of the British; and there are States which have gone a much greater length in their indifference to the choice of means in devising plans for the national safety, without international law allowing of interference on the part of their neighbors.

The safety and interest of the State are the supreme law of nations.

The methods it suggests very often take the form of downright unscrupulousness and cruelty, which is far from being the case in the Transvaal; and, if any Great Power ever thinks of making representations to another on this head, which it can only do in a friendly and officious way, it is because it does not see the beam in its own eye. Need I quote Russia and Germany in this connection? Need I quote the United States? Nay, need I quote England herself? Who is ignorant of the painful aspects of the "language" and "religion" questions in the Empire of the Romanoffs, and in that of the Hohenzollerns? Are the United States free from the pangs of conscience in the matter of the Indians; and, in excluding a whole race, the Chinese, from establishing themselves in American territory, have they not used incomparably more rigor, in order to defend the economical situation of the country, than the Boers in putting difficulties in the way of English immigration, in order to defend the very existence of the State? Or is Great Britain less open to criticism in this relation—she, who is the essence of liberalism when her own

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people are concerned, but who does not scruple to practice the most despotic principles, when it suits her purpose, in dealing with conquered and alien races; she, who, to quote a curious instance of inconsistency on her part, thunders against the intolerable abuse of the quarantine system in other countries, and yet applies the same system herself in Malta?

If the Transvaal State is against the development of commerce and industry on principle, it is within its rights to be so, as much as the United States in adopting the McKinley and Dingley tariffs. It is a matter of opinion, moral or social in the Transvaal, economic in the United States. If the English were more logical and more careful to avoid the reputation of being over-bearing with the weak, they would no more think of calling the Transvaal to account for its economic policy, than they would of challenging the United States for theirs. What Mr. Brooks calls the prostitution of the law courts to the whims of the legislature, does not apply to the ordinary dealings of justice in the Transvaal, but to the political situation, which, as we have explained, must be governed by the principle of the safety of the State. Finally, if the police and sanitary arrangements are not better, Mr. Brooks himself offers us the best possible explanation: it is because the Boers, in order to defend their threatened independence, are obliged to spend nearly all their money on fortifications and the secret service.

Because they cannot obtain redress, through the Boers, for their imaginary grievances, the English claim a share in the government of the Transvaal, insisting that they have a right to be represented in the Raad; and, being denied this privilege, they make it their principal grievance. On what is this claim founded? Certainly not on the doctrine or practice of other States. I defy anybody to prove that any State or, for that matter, any theory of international law, considers it an "obligation" for governments to enfranchise aliens, however great their services to the country in which they reside, however great their contributions to its exchequer, however marked their superiority over the natives. Representation, where it exists, is a consequence of citizenship. "Well, then, we have a right to Transvaal citizenship," say the English. Again, why? Some States show a tendency to favor the naturalization of foreigners, especially the American republics; others, like Russia, are opposed to it; and some, like

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France, from being very liberal in this matter are now undergoing the effects of a reaction. In England, a clause of the law on naturalization provides the Home Secretary with the power to ultimately use his own discretion. But, even in those countries which are most distinctly favorable to naturalization, the practice of adopting aliens is in no way viewed as resulting from an obligation, moral or other, but from the consideration of their own convenience and interest, and it is subject to their own conditions. Nay, in the matter of naturalization, the opinion of the State is so absolutely considered to be all, and the opinion of the individual nothing, that the alien is often naturalized against his will, as is the case in the South American republics. In fact, the question is one that is connected to such an extent with the rights of sovereignty, that it can be only regulated by treaty. There is no treaty binding the Transvaal on this head; therefore, the Boers are perfectly free to oppose the English demands. But, says Mr. Brooks, the English are two to one in the Transvaal. If anything, that is an additional reason for refusing to naturalize them, and we know why. That a majority should be governed by a minority is an anomaly; but it is an admitted situation in public and international law. In India, a handful of Englishmen govern 300,000,000 of natives. In the Transvaal, the case of the governing minority is strengthened by the fact that their authority does not proceed from invasion and conquest, which is a vitiating element in the position of England in India, but from a prior establishment in the land, and is exercised against the majority in the defence of a settled order of things, which has received the sanction of international law.

I leave it to the appreciation of my readers to decide whether the foregoing pages do not contain sufficient proofs of the unrighteousness of the quarrel England has picked up with the Transvaal, and of the justifiableness, nay more, the positive meritoriousness of the attitude of the Boers, whom no generous nation can do otherwise than admire for the pluck and stubbornness with which they are defending their sovereignty. Might I explain here that I have purposely adopted the darkest colors of Mr. Brooks' palette to reproduce the picture of the Transvaal, in order to strengthen my argument, by showing that, even if things are quite as the English represent them to be, the Uitlanders cannot make out a case for themselves. As a matter of fact, the

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Boers, whether they will it or not, are submitting much more than the English will admit to the intrinsic force of modern ideas. They are certainly not in a hurry to make a complete surrender to the tide of innovation and reform; but to depict them as radically refractory to the notions of progress is an injustice. The political situation is more to blame for their backwardness than their old-fashioned conservatism; and, as to the bitter complaints concerning the want of proper administration in the Transvaal, these might be proved on closer inspection to be considerably exaggerated, and to be more the result of the animosity of the English against the Boers, than of a real sense of annoyance and discomfort on the part of men who belong to a class accustomed to rough it, and who, moreover, knew exactly what they had to expect in crossing the borders of the Republic.

I think it is also necessary to recall to mind that, notwithstanding the depth of his convictions in his differences with the English, and however great his stubbornness at heart in thwarting their purposes, Mr. Krüger has not pressed his case with all the force it derives from absolute legitimacy and from the importance of the points at issue; and that he has not only avoided provocative forms, but has actually made concessions, the value of which may be a matter of discussion, but whose existence is nevertheless proof of his desire to spare the pride of a great nation.

I will now revert to the important question of the franchise—the one that dominates the whole situation in the Transvaal and has absorbed in itself all the other grievances of the Uitlanders.

Following Mr. Brooks, I have once or twice taken up a stand on his own ground, that of the harmfulness or innocuousness of enfranchisement granted to the English. Although I have been hitherto more concerned with the legal aspects of this question, a practical view of it forced itself upon my attention at an early stage of this discussion, and I contended against Mr. Brooks, apart from all considerations of legitimacy or non-legitimacy, that, as a matter of opportuneness, the franchise should not be granted by the Boers to the English, because it would lead to the loss of their independence. I will now prove it.

When representation is claimed, it is done with the idea that it will be efficacious; else why claim it? When the English demand representation in the Boer Parliament, they do so with the

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intention, not of satisfying a whim, but of modifying the legislation of the Transvaal in a way to make it meet their views. They cannot hope to do so without having a majority. Therefore, they aim at outnumbering the Boers in the Raad; and, once this desideratum has been fulfilled, the government of the country will have passed into the hands of men who, following the ordinary impulses of flesh and blood, will transform the Boer State into an English dependency—notwithstanding any assurances to the contrary or even the taking of the oath of allegiance. Can anybody contest this view? Is it at all conceivable that a large body of Englishmen, invested with the power to rule in the Transvaal, will continue to submit to the direction of a President and government representing a helpless minority, and belonging to what they consider an inferior race? In many things the enfranchised Uitlanders may quarrel with one another, but they will act like one man to Anglicise the State. Is the contrary technically possible in a State founded on the play of liberal institutions? Besides, do not circumstances point to the existence of a deep-laid scheme, on the part of England, to annex the Transvaal? Has it not been made evident that, in pursuance of a gigantic conception, England is forging the links of a dominion that will extend from the North to the South of Africa, and that the Transvaal will be the next of these links? The Republic is an obstacle—geographical, ethnical and political—to English expansion. Even if it did not stand seriously in their way, history teaches us that it would yet be impossible for the English to resist the temptation of occupying, for convenience' sake, a country that, being weak, is at the same time deprived of the traits that might render it sacred, as Greece is for example, in the eyes of the world, and provide it with friends in the hour of need, even among the Philistines themselves. There is, what for want of a better and less flattering term I will call a sense of the artistic and æsthetic in the spirit of expansion, a sense which revels in conceptions of beautifully rounded and delicately finished frontiers, and uninterruptedly national tracts of territory; and the Transvaal, if for no better reason, is marked out for suppression, because, in the eyes of the English Imperialist, it takes the aspect of an absurdity and an eye-sore in the midst of uniformly British possessions, and spoils the whole map of South Africa with the glare of its color impertinently asserting itself within a huge mass of British pink.

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I shall make myself better understood by recalling the instinct of the individual landed proprietor, who is not happy until his estate shows continuity and unindented lines.

Mr. Brooks affirms that the English have no designs on the Transvaal; yet, at the same time, with a contradiction which does not in the least disturb his equanimity, he endorses the apprehensions of the Boers. What he says is too precious not to be literally repeated:

"The President's strength lies in the aptitude of his appeals to the spirit and prejudices of the Old Boer Party. These stalwart conservatives concentrated all their hatred and contempt for foreign ways and customs upon the British, the only enemies they have known. It was to escape from British rule that their forefathers struck out from the Cape, across the wilderness and founded a Republic of their own. The incidents of the Great Trek in the thirties, of which the President is the last survivor, are still held in patriotic memory. The British annexed the new-born State under pledges, delayed so long, that the Boers took up arms to enforce them and won back their independence. The British stopped the expansion of the Transvaal on the north by occupying Matabeleland and Mashonaland and on the west by pouncing upon Bechuanaland. It was with British gold and under the command of British officers that the raid of 1895 was planned and carried out. Small wonder that the Boers saw, and still see, in the demand for the franchise, only another British plot to rob them of their independence. The Uitlanders had come into the country uninvited and undesired, seeking only gold and with full warning that it was a Boer Republic they were entering. By what right could these strangers of yesterday claim to be on a level with the old burghers who had fought and bled to keep the State free from alien control, and *what Boer looking to the past experiences of his people with the English could guarantee that their capture of the franchise would not lead to their capture of the entire State, that the Republic would not become an English Republic with an English President and its original founders a despised and oppressed minority?*"

Following up this amusing piece of treachery, of which he is unwittingly guilty toward himself and his thesis, Mr. Brooks goes on to say that it would have "been a high achievement of diplomacy if Sir Alfred Milner could have persuaded the President, and through him the Boers, that their fears, *if not baseless,* are very *unlikely* to be realized." I need not point to the delicious effect of the words, "if not baseless, are very unlikely to be realized." But the crowning point of Mr. Brooks' originality is to be found in the following passage:

"The people of England have no hostility toward the Boers and no ambition to annex their country. They have on the contrary an uncomfortable feeling that, in their clashes with the Transvaal, the British reputation for fair-dealing, which so long as it is deserved is

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the backbone of the Empire, has not been altogether maintained. They admire the old President's pluck and shrewdness* and wish him well in his struggle, even when they have to condemn his methods of carrying it on. They cannot find much in his policy that is defensible, except its object; *and yet they feel that, were they in his place, they would have done much as he has done.* . . . "

If ever there was truth in the saying, "I can cope with my enemies, but, oh, God! save me from my friends," it would be in its application by the English to Mr. Brooks.

To quote this gentleman's words for the last time, he says that "so long as the reasonable grievances of the Uitlanders are met with an obstinate *non possumus*, the Transvaal runs the risk of perishing suddenly and in violence." In other words, it is threatened with war.

Therefore, it is a choice of two evils for the Transvaal, of suicide or death at the hands of another. One way or the other, whether they yield or appeal to arms, the Boers are doomed; for, in case it is war, England is determined to bring all her might to bear upon them this time, and then all their bravery and military capacity will not save them from defeat and destruction. They can hope to achieve new distinction by a heroic resistance, by gaining some battles, but this will be of no material avail to them, as they must be overpowered and beaten in the end. With the confidence and increased energy of purpose derived from her triumphs in Egypt, Great Britain means to settle the South African problem in her own way and at any cost. Whatever the choice of the Boers, the end seems to be fast approaching. Most of us will probably live to see the curtain fall on the last act of the tragedy now enacting in the Dark Continent, the suppression of the Transvaal. Europe will look on, but will not stir; and Great Britain, at the zenith of her power and glory and prosperity, will continue to shoot in the skies of international politics, a fiery and uncontrollable orb, until she meets the star that is rising from the East, borne on the wings of Autocracy and Orthodoxy, and which is slowly but steadily moving on the same path. Then the heavens will ring and shake with the tremendous clash, and we shall witness the truth or falsehood of the proud English creed that there is no end to the mission of Great Britain, that she can only grow and spread her Empire, and that, superior to Rome, she will achieve durability in the midst of supreme power.

*I wonder what else "shrewdness" means here but the faculty to see through English schemes.

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THE LEGAL ASPECT OF "TRUSTS."

BY JOSEPH S. AUERBACH.

DISCUSSION, criticism and hostile legislation have certainly kept pace with the formation of the great manufacturing corporations now popularly called Trusts.

Periodicals and newspapers give no small attention to the subject; no political platform is complete without the anti-trust plank; the anti-trust idea brings men to feasts and furnishes the intellectual relish for the guests; a council of war—diplomatically called a conference—has been arranged between the Governors of various States in order to agree upon a uniform method of corporation scalp-taking; the legislatures of more than a score of the States have framed laws for the suppression or regulation of these great corporations, and Congress itself has spoken upon the subject.

Thoughtful articles, written by men of authority on economic questions or of wide experience as manufacturers and merchants, while appropriately pointing out possible dangers to the public welfare lurking in these, as in all large aggregations of capital, have on the whole been conservative in tone and yet hopeful as to the future of these corporations as a new avenue for the investment of capital, a further means of improving the condition of labor and an additional opportunity afforded American enterprise to reach out directly to the domestic consumer and to enter the markets of the world as a successful competitor.

The real benefits seem to be recited with precise illustration.

To the charge that these corporations can control the output of the product and regulate its price injuriously to the public interests, there is opposed the illustration of the lower price of the product with increased confidence in its quality. To the charge

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that with corporations thus constructed the employee is a mere slave of capital, there is recited the advance in his wages and his enlarged leisure. To the charge that a monopoly has been created, a list of competitors in the industry is supplied. If rivals are unsuccessful, it seems to be established beyond much conjecture that it is due to lack of intellect rather than to any plans of oppression set in motion by the larger corporations, and that the waste or bye-product of the indifferent manufacturer becomes the source of profit and of dividends to the corporations representing selected ability.

What is responsible for this flood of legislation is perhaps not altogether clear. By some it is assumed to be due to the claim that many large corporations are enjoying great benefits and not assuming their just share of the public burdens. Some assert it to be simply an old attack made in a new form, having its source in the alarm with which labor at the outset has always regarded any innovation in the use of capital employed in industry.

Perhaps one or two offending corporations have been responsible for this general and concerted attack; but it seems trite to say that all these corporations ought not to be judged by the shortcomings or the misconduct of a few.

"*Ex uno discite omnes*" was written, a long time ago, about a wooden horse, and was poetry.

Whatever, however, be the cause of the attack, the condition is apparent. To seek for the cause is interesting; it is more pertinent just now to know the legal effect of this legislation.

All men with property interests at stake—and all but tramps are of this great class—are deeply concerned in the new industrial development and its accompanying opposition; and while it is somewhat hysterically insisted by those who declaim and legislate that the public welfare is at stake, certain it is that a man's right to dispose of his property to his own advantage is on trial.

The Sovereign Power has the right to see to it that the operations of corporations are controlled within certain well-defined limitations for the general good. When acting within its police powers its power is well-nigh supreme. It has, under certain circumstances, the right to forfeit and confiscate property, and even courts of equity will not interpose; but it has no right from caprice to interfere with the operation of natural laws in trade

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or commerce or to set up methods of oppression opposed to all our traditions and inherited rights of security.

In this land the accused is not presumed guilty but innocent, and execution does not precede, but follows judgment.

Little or no discrimination is attempted in these anti-trust statutes. Every corporation which represents by purchase what was previously enjoyed by several corporations or individuals is straightway condemned by statute as a criminal combination. There is little or no attempt to define the offences aimed at. The effect of a combination is not separated from its purpose; harsh methods of procedure are authorized, property is sought to be forfeited, ordinary trade contracts are forbidden, and the concern seems to be not how to legislate wisely, but how to legislate hurriedly and dramatically.

Even in a statute of the State of New York, passed in 1897, where quite other things should be looked for, an unjustifiable method of procedure against these corporations is prescribed. Frequently the examination of a witness before trial may be a proceeding quite as important as any other in a pending action, and is permitted by the courts ordinarily with great reluctance and only after it has been made clear that the testimony sought for is essential and necessary. In this statute, by preliminary proceedings, the Attorney-General may, without notice, apply for orders summoning witnesses from their homes to distant parts of the State, requiring them to produce on such examinations books, documents or papers in their possession or under their control relating to the subject of examination. All this proceeding may be initiated *ex parte* on the mere whim of the Attorney-General. The referee on such a preliminary examination is even *authorized to punish a witness for contempt.* The whole procedure partakes of the nature of a star chamber investigation rather than an orderly proceeding in a court of justice in the nineteenth century.

I am not saying that such a statute will be upheld. In fact, a proceeding under it has already been defeated, though the Court on appeal declined to pass upon the constitutionality of the statute itself. I am referring to it only as an illustration of the temper with which legislatures approach this whole question. And still further, to emphasize this, it may be added that the Legislature of 1899 in New York, in amending the statute of

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1897, while seeking to introduce language which would evade or at least avoid the previous adverse decision, attempted to make this preliminary proceeding even more objectionable than that under the original Act.

Neither political party offers any protection. Each apparently would outdo the other in its bid for public support. New York, if shouting less, is about as active as Texas. Democrats legislate and Republican Governors sign, Republicans legislate and Democratic Governors sign, these indictments called statutes.

While it is safe to say that the greater part of the anti-trust legislation is intemperate and unjustified, it is of the first importance to know how much of it is legal and to what extent, so far as it is legal, it can operate to impede or suppress the legitimate operations of these corporations, until public opinion can dictate a wiser policy toward employed capital. Capital will desert existing corporations, or certainly will refuse to be involved in any new ventures, unless the investment be legally secure.

If trade is to follow the flag, the flag must offer protection and security.

The legislation has come from two sources, National and State.

I.—In 1890 an Act was passed by Congress of the United States entitled "An Act to Protect Trade and Commerce Against Unlawful Restraint and Monopolies." The Act is of much importance, because it is the expression of the great law-making power of the country, and has been the subject of repeated construction by the Supreme Court of the United States.

"AN ACT to Protect Trade and Commerce against Unlawful Restraints and Monopolies.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

"SEC. 1. Every contract, combination in the form of a trust, or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"SEC. 2. Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons, to mon-

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opolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"SEC. 3. Every contract, combination in form of trust or otherwise or conspiracy, in restraint of trade or commerce in any Territory of the United States or in the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

Then follow provisions as to procedure and for the violation of the Act.

At the outset it is essential to understand the power of Congress and the limitation of that power to deal with the subject covered by the Act.

Congress has such power only as has been specially conferred upon it by the Constitution, and the authority for the Act is found in the provisions of the Constitution, that Congress shall have power "to regulate commerce with foreign nations and among the several States and the Indian tribes."

This provision of the Constitution, however, confers upon Congress the sole authority to legislate upon questions affecting such commerce, and all attempts on the part of the States to defeat this exclusive right vested in Congress, whether by imposing discriminating taxes, or taxes upon goods in original packages, or by a tax upon the agencies employed in carrying on that commerce, have been condemned by the Supreme Court of the United States.

Any attempt also on the part of the States to bring under their control or regulation any article the subject of trade or commerce—except where Congress has first conferred upon the State that right of control or regulation—has been likewise condemned. Even where such right of control or regulation has been authorized by Congress, it has been confined by the Supreme Court to those cases which come within the proper exercise of the police power of the State.

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The Act of Congress quoted above has been repeatedly construed by the Supreme Court of the United States in cases which have excited general interest. It was sought to apply the Act to the case of a corporation seeking, as alleged by the Government, to acquire a monopoly of the manufacture of sugar, which might be, and which in all probability would be, the subject of trade or commerce; and the corporation conceded that it was attempting through the acts complained of to exercise a greater control of the business in which it was engaged. The Court declined to regard the Act as applicable to this state of facts.

The Court said, Chief Justice Fuller writing the opinion:

"The fact that an article is manufactured for export to another State does not of itself make it an article of inter-State commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to Congress."

And the Court used these still more important words:

"Contracts, combinations or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages might unquestionably tend to restrain external as well as domestic trade, but the restraint would be an indirect result however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination or conspiracy."

* * * * * *

"Nevertheless, it does not follow that an attempt to monopolize or the actual monopoly of the manufacture, was an attempt, whether executory or consummated, to monopolize commerce, even though in order to dispose of the product the instrumentality of commerce was necessarily invoked."

So that the Supreme Court, as stated above, has limited the objects of the Act to matters clearly and unmistakably relating to inter-State commerce, and has declined to permit the States to interfere with any product or article the subject of inter-State commerce, except where, as pointed out above, Congress had authorized the State to exercise over such article or product its police power of regulation and control similar to that exercised as to like articles produced within its own territory.

The Supreme Court has, also, as we shall see in a moment, laid down the limitations of Anti-Trust State Statutes.

In two other cases, known as the Trans-Missouri and Joint Traffic cases, the Court has still further reviewed the Act and

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held it applicable to agreements between competing railroads for the maintenance of transportation charges.

The effect of the two cases last referred to has been somewhat misjudged by the general public and perhaps by lawyers as well. Undoubtedly, in the case first decided, there are expressions of the Court as to industrial corporations such as we are now discussing. Separated from their context they have, in so far as they are personal expressions of the Court, a meaning inimical to these corporations. But the Supreme Court had already decided as quoted above, that the Act was not applicable to these corporations, and we are to remember that a court lays down rules of law only when germane to the facts before it. All other views are mere *dicta*, and have little or no weight as establishing rules of law. In the first case referred to the views of the Court were announced in large part *arguendo* in reply to the claims persistently made by the several counsel, that the Act of 1890 above quoted was intended to relate only to so-called trusts, and not to agreements between competing railroads, and the claims of counsel were of a character not unnaturally calling for a reply.

These views read, however, in the light of the real context, which is to be found not only in the opinion itself, but in the briefs before the Court, and in the expressions of the Court in cases later decided, have a significance quite different from that ordinarily given them.

It must be constantly borne in mind that the Court was dealing, not with a trading or manufacturing corporation, but with quasi-public corporations, great railroads, the instruments of trade and commerce, in the enjoyment of valuable franchises. As one of their burdens, Congress sought to provide that they should make no agreement in restraint of trade or commerce. The agreement in question to regulate transportation rates was held to be such a restraint, and the Court found itself in a position to give no effect to the statute unless it held that in such a case the restraint was brought about, whether it was reasonable or unreasonable.

There was no question of the absorption of the assets of one corporation by another, but a quasi-copartnership agreement among railroad corporations just as illegal in the State of New York under the decisions of its courts—based upon the

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principles of common law and not upon statute, even in the case of trading or manufacturing corporations—as it was held to be in the Supreme Court, except in the one particular as to the character of the restraint. The Supreme Court recognized a distinction, even under this statute, as to the character of such a restraint when arising from the operations of purely private corporations.

The Court said:

"It is true that in the *Gibbs case* there was a special statute which prohibited the company from entering into any consolidation, combination or contract with any other gas company whatever, and it was provided that any attempt to do so or to make such combination or contract should be utterly null and void. The above extract from the opinion of the Court is made for the purpose of showing the difference which exists between a private and a public corporation—that kind of a public corporation which, while doing business for remuneration, is yet so connected in interest with the public as to give a public character to its business—and it is seen that while, in the absence of a statute prohibiting them, contracts of private individuals or corporations touching upon restraints in trade must be unreasonable in their nature to be held void, different considerations obtain in the case of public corporations like those of railroads where it well may be that any restraint upon a business of that character as affecting its rates of transportation must thereby be prejudicial to the public interests."

These views, even supposing them to be mere *dicta* of the Court, became a rule of law in subsequent cases.

The distinction recognized by the Court between private corporations and quasi-public corporations, is a natural one, and is in line with the respective responsibilities which these two classes of corporations are under.

Railroad companies have franchises entitling them, to the extent of the thing granted, to exclusive privileges, while private corporations on the other hand have as a rule only the franchise to be a corporation. The Legislature may fix the rates at which transportation corporations and corporations enjoying municipal franchises may conduct their business; gas, electric light companies, street railroad corporations, are all answerable thus to the Legislature, and the courts have gone so far in the State of New York as to hold that an act of the Legislature fixing the charges of elevator companies is valid and constitutional. The general rule is that the corporate existence of a corporation can be challenged only through proceedings on the part of the State. In the case of railroad corporations under New

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York decisions it may be attacked collaterally by a defendant in any proceeding where they seek to exercise against him the right of eminent domain. Again, under such decisions, failure by trading and manufacturing corporations to comply with the provisions of the statute as to the conditions of incorporation may work a forfeiture of their existence, but such forfeiture must be decreed in a proceeding instituted by the public authorities. In the case of a railroad corporation failure to comply with the conditions of its incorporation may *ipso facto* work a forfeiture without judicial decree. The statute executes itself.

So that the difference established by the Supreme Court between private and quasi-public corporations is only one of similar distinctions running through many well-considered decisions, and is not likely to be departed from hereafter.

The Supreme Court of the United States has gone further than this. In the Joint Traffic Association case, involving generally the same principles as the Trans-Missouri case, the Court was at pains to correct some erroneous assumptions from its previous decision.

While reaffirming the principles laid down in the previous case it carefully pointed out that the Act applied only to those contracts whose *direct and immediate* effect was a restraint upon inter-State commerce. It said that any other construction would enlarge the applications of the Act beyond its fair meaning. The Court said that the effect upon inter-State commerce must not be—

"indirect or incidental only. An agreement entered into for the purpose of promoting the legitimate business of an individual or corporation with no purpose to thereby affect or restrain commerce, and which does not directly restrain such commerce, is not, as we think, covered by the Act, although the agreement may directly and remotely affect that commerce. . . . To suppose, as is assumed by counsel, that the effect of the decision in the Trans-Missouri case is to render most business contracts or combinations, however indispensable and necessary they may be, because, as they assert, they all restrain trade in some remote and indirect degree, is to make a most violent assumption and one not called for or justified by the decision mentioned or by any other decision of this Court."

The Court went on to say that the sole question before it was whether Congress, in the exercise of its right to regulate commerce between the several States or otherwise, had the power to prohibit as in restraint of such commerce a contract or com-

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bination between competing railroad corporations such as that before the Court.

The Supreme Court, therefore, has decided, that while under the Act the question whether restraint of inter-State trade and commerce by public corporations be reasonable or unreasonable is of no moment, a wholly different rule prevails as to private corporations, and that as to either class of corporations such restraint must be *express, direct, immediate,* not remote and incidental, and that the *clear purpose or object* of the acts must be such restraint.

In two subsequent cases these limitations of the Act, as applied to business corporations and associations, were again emphasized. The facts in these cases showed that certain live stock associations undertook by their rules of government to limit the dealings of individuals to members of the association; to forbid buying live stock from commission merchants not members of the exchange; to fix commissions, to prohibit the employment of agents except upon stipulated salaries; to provide that no member of the association should transact business with persons violating the rules and regulations of the association, or with an expelled or suspended member after such violation, etc., etc.

There is no doubt that with such facts before them the Courts of several of the States would have held the defendants guilty of misconduct under statutes similar to the Act of Congress.

The Supreme Court held not only that the acts complained of did not come within the Act, but that if they did they were not in restraint of trade or commerce, because not unreasonable. These two cases are of far-reaching effect. They strike at the very foundation of most of the anti-trust statutes, while they construe the Act of Congress itself; they write into all those statutes words of limitation and qualification which no State Court is at liberty to disregard; for as we shall see in a moment, to disregard the principles thus laid down, is to violate the provisions of the Fourteenth Amendment to the Constitution of the United States.

II.—The statutes of the several States are of various kinds, from the simple prohibition of trusts and monopolies to such an elaborate piece of legislation as the latest effort of the State of Texas, impudent and offensive in its form, and in its substance violative of the rights of liberty and property guaranteed by the

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Constitution of the United States. The framework of all these anti-trust statutes is about the same. There is a varying filling in by way of declamation, according to the popular demand, upon the respective legislatures, but the statutes do not differ materially in their substance. They are for the most part alike in that they attempt to reach all contracts or arrangements that may effect any restraint of trade or competition, whether express or incidental, reasonable or unreasonable.

The Courts of New York have largely interpreted their own statutes with referenee to the principles of the common law.

Now, at common law, even contracts that were in unreasonable restraint of trade were not unlawful in the sense of being criminal, but were simply void and unenforceable.

Until the reign of George III. there existed in England a large number of statutes with reference to badgering, forestalling, regrating and engrossing, all of which were aimed at interference with the ordinary natural laws of trade. Not improperly, they might be termed anti-trust statutes. During the reign of George III. many of these statutes were repealed, and during the reign of the present Queen the remainder were repealed. The commercial prestige of England required that they should be swept away, and to-day in England every combination or arrangement for the legitimate purpose of developing trade is fostered and upheld. Every combination of capital using misrepresentation or framed to crush out a rival can be reached and prevented by injunction. But a combination engaged in the attempt to secure a large control of an industry in the ordinary course of trade, even though it operated under selfish plans for selfish ends, does not come within the control, much less the condemnation, of the law.

Not very different are the decisions of the Courts of the State of New York. Before the passage of the New York Anti-Trust Statutes, the Courts of this State held that it was not in restraint of trade for one corporation to purchase a rival business, accompanied by a contract that the seller should not again, within a designated territory, carry on a business similar to that disposed of and they restrained the threatened violation of such a contract.

Decisions to a similar effect were rendered by the Supreme Court of the United States before the passage of the Act of

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Congress, and are referred to with approval in both the Trans-Missouri and Joint Traffic cases after the passage of the Act.

The Courts of New York have held that not all competition was beneficial to the individual or to the community, and that a competitor had the right to purchase another interest for the purpose of restraining competition, which was ruinous or even undue. These opinions were by the highest Court in New York.

Then came the New York State Acts of 1893, 1896 and 1897, regulating contracts in restraint of trade, and again the Courts have spoken in no uncertain way.

The Courts of New York, since the passage of these Acts, have held that the test of the restraint of trade and of competition is the reasonableness of the act complained of, and so far as one may conclude from these opinions, the result arrived at or aimed at must be, or must closely approach being, a conspiracy constituting an indictable offence at common law. They recognize the distinction of the Supreme Court of the United States that the restraint of trade evidenced by a contract between quasi-public corporations may be condemned, while such restraint aimed at or resulting from the legitimate though selfish acts of a private manufacturing or trading corporation is subject to quite different considerations. Yet the Courts of New York have been careful to place a limitation upon the rights of corporations to make such a combination as would be equivalent to a co-partnership, and for such an offence they have, without resting their decision on any statute, gone so far as to declare forfeited the charter of a mere private corporation. On the other hand, after the passage of the anti-trust statutes, they have upheld the purchase by one gas company possessing a municipal franchise, of the shares of stock, and thereby the control, of another gas company enjoying like privileges, when not only the effect but the intention was to stop undue competition.

There is little difference between the decisions before and after the passage of anti-trust acts. Judicial interpretation has interpolated necessary words of limitation or construction, just as if the words "unjustifiable," "unreasonable," "partaking of conspiracy," "prejudicial to the public interest," etc., had been written into the statutes themselves. In them, "what is valuable is not new, and what is new is not valuable."

It has been held, too, not only in New York State but else-

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where, that one manufacturer may sell or refuse to sell, as caprice may prompt him, any goods manufactured by him; that he may make the basis of his refusal the fact that the seller is dealing in goods other than of the manufacturer refusing to sell, and that such action does not constitute an offence in restraint of trade or competition, and that it does not subject the manufacturer, if a corporation, to the forfeiture of its charter.

These decisions recognize, as one judge says, that "public policy and the interests of society favor the utmost freedom of contract within the law, and require that business transactions should not be trammelled by unnecessary restrictions." Justly so, for what the requirements of public policy demand are vague and uncertain enough without any guessing on the part of judges.

There are quite different decisions in other States, though in several of them the same result would, on the principles laid down above, have been reached in the Courts of the United States or of New York. In several instances, the decisions are thoroughly in accord with the legislatures which are spawning these statutes.

In not all of the States where these statutes have been passed has there been a uniformity of decisions. Even in Texas and Illinois there are some Judges who have not hesitated to express views distinctly against the tendency and current of popular sentiment. These Judges have read into these statutes as a necessary implication words of limitation and construction, so that property should not be confiscated or the freedom of contract unreasonably interfered with. They have held that the restraint of trade harped upon *ad nauseam* in these Statutes is not *any* restraint of trade, however slight or incidental, but an *express*, and at the same time an *unreasonable*, restraint.

In other cases the local courts have joined in the public outcry, and in Ohio in a late case the court rests its decision as to what constitutes restraint of trade upon the rather novel doctrine that "it is to the interest of the Republic that there should be, measurably, an equality in the fortunes of its citizens." Naturally enough, a Court announcing such views did not hesitate to repudiate the decisions of the Supreme Court of the United States.

No statute is valid which sweepingly forbids all contracts, agreements, combinations, etc., among private corporations in

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restraint of trade, commerce and competition, no matter what State courts may say. It is a violation of the Fourteenth Amendment of the Constitution of the United States, which provides that no State shall deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws, because, as a Judge of the United States Court has said, it denies to persons the right to make valid contracts with respect to their business and property, and corporations in this respect are entitled to equal protection with the individual.

There are numerous decisions to this general effect, and in one case so holding which involved the validity of Anti-Trust Statute of Texas, the predecessor of the Act of 1899, the Court said:

"The vice of the act in question is that it attempts to prevent too much. It does not stop at reasonable limits. It is not content with making criminal general restraint of trade, but it makes criminal all restraints of trade. It is not content with affixing penalties to acts or contracts which unreasonably restrict competition; it condemns any agreement or arrangement which prevents competition between two or more persons entering into it. It not only prevents competitors from oppressing the public by unreasonable agreements as to production and prices; it also prevents persons associated in interest, joint owners and co-partners, from making any agreement about their production and prices. It not only prevents persons from using their capital, skill and acts for the purpose of increasing prices; it reaches the very acme of absurdity, in preventing persons from uniting their capital, skill and acts for the purpose of reducing prices. The Legislature, perhaps, had in mind that which might possibly be a means of public oppression, to wit, the forced reduction of prices of articles which the combination or partnership purchased, but the act does not discriminate between articles purchased and articles sold. And it is because it does not so discriminate, because of the want of ordinary care in studying the meaning of words that we have on the statute books of Texas at this close of the nineteenth century, during which combinations of capital and skill have cheapened the price of products to an extent unparalleled in the world's history, an act making it a highly penal offence for two or more persons to unite their capital and skill for the purpose of reducing the price of the products which they undertake to manufacture and sell."

Thus this particular statute and all similar statutes are condemned.

It is unnecessary to multiply quotations. The opinions of the Supreme Court of the United States, announced by some of its great Judges, are in accord with the views quoted. The

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"liberty" of the Fourteenth Amendment as interpreted by that Court means, among other things, the liberty of the individual, free from legislative control or restraint, to pursue an ordinary calling or trade and to acquire, hold and sell property and to make all contracts in relation thereto, except in so far as the State may restrict them in the exercise substantially only of its police powers.

Moreover, in the exercise of its police powers the State is confined within a narrower limitation in matters affecting inter-State commerce than in those relating to its domestic affairs. This well-known principle has just been emphasized by the Supreme Court of the United States.

The State of Pennsylvania, by an act of its Legislature, prohibited the manufacture and sale of oleomargarine within the State. The Supreme Court of the United States upheld the Act as not violative of the Fourteenth Amendment to the Constitution. The same Act, when sought to be applied to transactions relating to inter-State trade and commerce, was held invalid by the Supreme Court.

The Court said:

"The *Powell case*" (the first case decided) "did not and could not involve the rights of an importer under the commerce clause. The right of a State to enact laws in relation to the administration of its internal affairs is one thing, and the right of a State to prevent the introduction within its limits of an article of commerce is another and a totally different thing. Legislation which has its effect wholly within the State and upon products manufactured and sold therein, might be held valid as not in violation of any provision of the Federal Constitution when at the same time legislation directed toward prohibiting the importation within the State of the same article manufactured outside of its limits might be regarded as illegal, because in violation of the rights of citizens of other States arising under the commerce clause of that instrument."

It would be difficult to overstate the importance of this principle as affecting and limiting State legislation against these corporations, nearly all of which are engaged in inter-State trade or commerce.

These corporations are, as a rule, not created for the purposes set forth in the greater number of these State statutes, nor do their operations bring them within those statutes. They become the purchaser of the property of other corporations; the new corporation is a larger corporation than any of those whose property

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has passed to its control; no pool, trust, combination or monopoly is intended or results. The statutes of the States having failed to fix a limit to the amount of property which may be possessed by such a corporation, they have no concern with the amount or character of its assets.

As a rule, these corporations have come into being for a variety of reasons; for economy, centralization of manufacture, the exercise of a more controlling interest in the product manufactured to reach the public without the intermediary burden and expense of middlemen, for the purposes of extended credit, for meeting foreign or domestic competition, against which the individual and disassociated manufacturers would be powerless. And the practising lawyer, familiar through these organizations with the plans and purposes of his clients, is in a much better position to give trustworthy testimony on this subject than is the average legislator without the opportunity of making independent and personal enquiry, and swayed as he frequently is by party policy or public outcry.

There is not either in or necessarily growing out of the formation of these corporations any express, nor is there any unreasonable, restraint of trade, and both these conditions must exist before any statute such as we are discussing is applicable.

In fact, in the formation of these corporations, the main feature which might be thought to constitute a restraint of trade or commerce or of competition is the contract usually exacted by the purchaser of the vendors that they will not within a specified territory for a given time engage in business similar to that disposed of. But such contracts, as pointed out, have been upheld by the Supreme Court of the United States both prior and subsequent to the Anti-Trust Act of Congress.

Assuming such to be the purpose and effect of the formation of these corporations, no State law can restrict their operations when admitted to a domicile within their territory, nor can the State, by taxation or otherwise, interfere with them if engaged in inter-State commerce, even though not admitted to the privileges of domicile. Created there or domiciled there, they must not be interfered with; for, in the opinion of the Supreme Court of the United States, corporations are entitled to the protection of that part of the Fourteenth Amendment which declares that no State shall "deprive any person of life, liberty or property

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without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Moreover, no State shall pass any law impairing the obligation of a contract, whether that contract be executory or executed, express or implied.

It is safe to say that wherever the Courts of a State have construed anti-trust statutes in disregard of these words of reasonable limitation upon the legislative powers, the decisions are in direct conflict with the Constitution of the United States as interpreted by its Courts.

III.—It has been held in a series of cases by the Supreme Court that each State shall be the judge of the conditions under which foreign corporations shall be admitted to do business within its territory, and that discriminating provisions of a State in favor of its own corporations as against foreign corporations are not in conflict with the clause of the Constitution of the United States which declares "that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

It has been held, however, that when the question involved is one of inter-State trade or commerce, a foreign corporation stands upon the same footing as an individual.

Every State, therefore, has a liberty, and almost a license, in determining what class of corporations shall be admitted to its territory, and the conditions under which they are to be admitted, save only that it shall do nothing which in effect regulates trade or commerce carried on by a foreign corporation. It can determine that a foreign corporation shall not have a legal status there, but it has no right to restrict, embarrass, interfere with or have any regulation over a foreign corporation selling its goods through solicitors or representatives, or otherwise carrying on inter-State trade or commerce within its territory.

Exclusion is not feasible; it is a mere academic right on the part of the States, for the exclusion cannot be absolute since the foreign corporation can cross the border of the State, and, as a trading corporation, exercise the rights of an individual to the extent of disposing of its product by solicitors, or canvassers, and where the product or article dealt in requires skill in its installation, may actually instal and set up the article disposed of. To exclude the corporation, therefore, when it is a manu-

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facturing corporation, is simply to displace the resident employee by the employee foreign to the State. In other respects the corporation must be let alone. No political policy dare go as far as this. Such legislation though it might subject the corporation to great expense and inconvenience in the manufacture and sale of its product, would affect still more injuriously the well being of the local employee and the prosperity of the State. The result of statutes of exclusion, such as have been passed in the case of insurance companies employing only a few agents and local representatives, is quite different from the effect of such action when directed against a manufacturing corporation. For whether the excluded corporation employ new mechanics or withdraw from the State its labor interests, the effect upon the State's prosperity is the same. Somewhere in some of the States outside of the State of their creation, or if not there, then in the State of their domicile, these corporations will find the invitation and protection of wise laws, and from this centre will reach out in their rivalry for the trade to which their skill entitles them. So that exclusion, whether by direct statute or indirectly through the taxing power, need not be looked for.

The laborer will look with indifference, perhaps with favor, upon schemes of legislation proclaimed to be for his interest. So long as the politician seems to be working on these lines—though he be imperceptibly bringing about other results—the laborer will be silent, or he may help along the plans imperfectly explained to him and not understood by him. But let his hands thereby be idle and his home less comfortable, and the able workman will develop into one prepared to use his idle time in directions not pleasing to his false teachers.

Even Pennsylvania, which originally prohibited foreign corporations from holding real estate within its territory under the penalty of escheat to the State, has of late modified its statute in favor of certain foreign corporations, and under the decisions of its Courts a foreign corporation may also own practically all the shares of capital stock of its domestic corporations possessed of real estate.

But, irrespective of what must be the clear policy of the State, it cannot, as has been pointed out, exclude the corporations we are considering if they be engaged in inter-State or foreign commerce. It cannot even tax the agents or solicitors of

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such corporations for the privilege of doing business within its territory, much less exclude them.

There have been times when it seemed that the Supreme Court was inclined to some modification of these views, but the result arrived at is final.

The description of inter-State commerce is all-embracing. "The negotiation of sales of goods which are in another State for the purpose of introducing them into the State in which the negotiation is made is inter-State commerce." Another opinion reads: "It comprehends intercourse for the purposes of trade in any and all its forms, including transportation, purchase, sale and exchange of commodities between the citizens of different States."

A great Judge of the Supreme Court has said that to decide otherwise and to leave the question of inter-State commerce to be even taxed by State legislation "would be but a repetition of the disorder which prevailed under the Articles of Confederation."

Corporations, therefore, domiciled in New Jersey and trading elsewhere have nothing to fear and no favors to ask of any hostile State. Such State may say that they shall not be domiciled there, that they shall not own real estate there except on its own terms. The State may exclude the corporations altogether from a domicile, but it may go no further. These corporations may come and go from one end of the land to the other to carry on inter-State commerce, and no State barriers or regulations shall affect them. There are no State lines for the individual or corporation carrying on that commerce.

What then, in brief, has been decided is as follows:

(1.) The restraint of trade and commerce referred to in all these statutes must in the case of these corporations be express and direct and at the same time unreasonable, and few of the corporations we are discussing are so formed or managed as to fall within a statute so construed.

(2.) Contrary decisions of the Courts of any of the States are opposed to those of the Courts of the United States which declare that freedom of contract (made impossible under any other construction of these statutes) is a property right under the Constitution of the United States and is inviolate.

(3.) Though the State Courts are bound thus to construe

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these Statutes, the several States may even, from caprice, eject from their territory or refuse admission to any foreign corporations—and all corporations in States other than the State of their creation are deemed to be foreign corporations—to the extent that such corporations seek to secure there a legal status or domicile.

There the authority of the State must stop, and it must leave untrammelled in every way these corporations when engaged, as nearly all of them are, in inter-State trade and commerce.

(4.) Not only cannot inter-State commerce be in any way destroyed, interfered with, or obstructed; it cannot even be taxed, though the tax be only such as is laid by the State on its domestic commerce. It is not a question of discrimination. The right does not exist to impose any tax.

These are questions set at rest by decisions which are the law of the land.

The Courts of the United States may not always have been free from criticism as to expressions, used in the interpretation of the provisions of the Constitution affecting inter-State commerce. Perhaps they may at times have been unconsciously betrayed, as we are all at times betrayed, into sympathy for popular and fallacious views which cannot, however, be yielded to unless we are to invite our commercial downfall; but in their decisions these Courts have not misinterpreted the true significance of the cases before them affecting this question of inter-State commerce.

Properly so, for the provision as to inter-State commerce did not come into the Constitution by accident, but was the nucleus of it. The Fifth and Fourteenth Amendments to the Constitution protect not only the citizen, but all persons, whether natural or artificial, in the enjoyment of their property rights; and not the least of such property rights is the freedom of entering into contracts, of carrying on business for private profit, but without any scheme for injury to others.

The suggestion may savor of earthiness, but it is none the less the fact that the prosperity and even the power for good of a ration is in large part a question of its commercial supremacy. Noble conduct and high purpses may be the commanding evidence of the prosperity of a nation, but they are not its foundation stone. Just as the Revolution, which separated the Colonies from Eng-

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land, had its origin, not in their preference for any new method of government, but in their business grievances, so the Constitution of the United States, which supplanted the Articles of Confederation, was assented to, not in the desire of the new States for the establishment of a great nation, but in the belief that thereby their common commercial interests would be promoted.

To the resolution of Edmund Randolph in the House of Delegates of Virginia, made in the interest of a crying commercial necessity, Daniel Webster justly attributes the first and controlling step in the series of reasons out of which ultimately was fashioned the Constitution, with its comprehensive—yes, sacred—provisions, insuring the permanency of the commercial interests of the nation. He said, in words worth recording and worth reflecting over now:

"Sir, whatever we may think of it now, the Constitution had its immediate origin in the conviction of the necessity for this uniformity, or identity, in commercial regulations. The whole history of the country, of every year and every month, from the close of the War of the Revolution to 1789, proves this. Over whatever other interests it was made to extend, and whatever other blessings it now confers, or hereafter may confer, on the millions of free citizens who do or shall live under its protection; even though, in time to come, it should raise a pyramid of power and grandeur, whose apex should look down on the loftiest political structures of other nations and other ages, it will yet be true, that it was itself the child of pressing commercial necessity. Unity and identity of commerce among all the States was its seminal principal. It had been found absolutely impossible to excite or foster enterprise in trade, under the influence of discordant and jarring State regulations. The country was losing all the advantages of its position. The Revolution itself was beginning to be regarded as a doubtful blessing. The ocean before us was a barren waste. No American canvas whitened its bosom, no keel of ours ploughed its waters. The journals of the Congress of the Confederation show the most constant, unceasing, unwearied, but always unsuccessful, appeals to the States and the people, to renovate the system, to infuse into that Confederation at once a spirit of union and a spirit of activity, by conferring on Congress the power over trade. By nothing but the perception of its indispensable necessity, by nothing but their consciousness of suffering from its want, were the States and the people brought, and brought by slow degrees, to invest this power in a permanent and competent government."

* * * * * *

"Every attempt to bring the State legislatures into any harmony of action or any pursuit of a common object had signally and disastrously failed. The exigency of the case called for a new movement, for a more direct and powerful attempt to bring the good sense and patriotism of the country into action upon the crisis. A solemn assembly was therefore proposed, a general convention of delegates from

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all the States. And now, sir, what was the exigency? What was this crisis? Look at the resolution itself; there is not an idea in it but trade. Commerce! commerce! is the beginning and end of it. The subject to be considered and examined was 'the relative situation of the trade of the States'; and the object to be obtained was 'the establishment of a uniform system in their commercial regulations, as necessary to the common interest and their permanent harmony.' That is all."

The man, be he judge or legislator, must be bold indeed who would undertake to refashion under any *a priori* reasoning a scheme of his own for government and the public welfare substantially opposed to that which gave birth to the Constitution; and as time goes on and the true interests of this country are understood to be dependent upon its commercial pre-eminence, it cannot but be that all the agencies of commerce, whether it be what Mallock, in his "Labor and the Popular Welfare," terms selected ability or the investment of capital or any other appropriate means to accomplish that end, will be fostered and welcomed, always, however, within those limitations which guard the public welfare. But the public welfare is not to be determined by the announced views of temporary party leaders. Our Constitution is not a newspaper or a periodical, but the depository of the experience of true statesmen and the inheritance of a great nation. Those who interpret the Constitution of the United States must interpret it with reference to its origin and its true and wide-reaching significance; and although the Supreme Court of the United States cannot be expected to depart and ought not to depart from those decisions which declare that a foreign corporation is admitted into the territory of a State only on conditions which the State prescribes, yet upon the question of inter-State commerce it must be looked to to see that no excited and fallacious local interests as to what does and what does not constitute a restraint of inter-State commerce shall overshadow and prejudice the public interest.

The Supreme Court of the United States, for the time being and because it alone can speak finally on this subject, must, until popular sentiment has been awakened to better appreciation of the needs of the freedom of commercial relations, be the refuge for persecuted capital and persecuted ability.

Not all corporations need this protection; not all corporations are entitled to it. Some corporations may be organized not in the interest of trade and commerce, but in the interest of the

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restraint of trade and commerce. Such corporations may become public enemies; but the great class of corporations of which we are speaking, though brought into being for motives of profit among those interested and having for their object larger returns through labor-saving devices and selected ability, are not to be frowned upon or their evil influence guessed about or assumed by any courts.

If one corporation offends, let it receive the punishment. Let others be unmolested. We should have no defence for any other action. Even with madness and the "disclaiming from a purposed evil" for his apology, Hamlet appealed only to the "most generous thoughts," as he exclaimed:

> "That I have shot my arrow o'er the house
> And hurt my brother."

There need be no solicitude as to the ultimate result of the workings of these corporations as a whole unless courts are carried away by crude theories to adopt a method of reasoning opposed to our inherited, and what should be our cherished, experience; and when the time comes that a concerted attack upon such a logical, natural tendency of industrial evolutions as we are now witnessing is upheld by the courts, a blow will have been struck at American prestige from which it will not again recover until capital is reinvited to investment and security by prudent laws and wise decisions.

That time, we may be thankful, has not yet come, and the courts of the United States, if wavering at times in expression, have in their decisions been steadfast and immovable in the vindication of property rights and personal freedom.

While the Courts have thus protected individuals and corporations in the enjoyment of these rights, they have not failed to give appropriate definitions of what are omissions by the individual or the corporation of their obligations to the community, or to make it quite clear what corporations are and what are not entitled to the benefit of these decisions.

Men or corporations may not conspire to fix the value or limit the output of a necessary of life, corporations may not enter into copartnership with one another; they must not create or seek to create monopolies; they must not be formed for that purpose; they must not injure the trade of another by unjust

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methods; competition must stop at all illegal methods of rivalry, and competition must not mean conspiracy.

With these essential limitations the State Courts, or if not the State Courts then the Courts of the United States competent to speak finally and authoritatively upon the subject, have been on the side of the principles of law which permit a man to do what he likes with his own, so long as he shall not thereby aim at or necessarily compass the injury of others or act against the interests of the public welfare.

The decisions of the Courts in thus interpreting the Constitution have but expressed the common knowledge and the accepted philosophy of human conduct the world over. The commercial interests and traditions of the English race, ours by inheritance and adoption, have been upheld and reinforced. It has not been decided that the laborer may not add to his dignity and reward in alliance with a great industry; that it is to his prejudice or to that of the community that he may do one thing well rather than many things insufficiently; that the owners of property may not reap the fruits of industry through the recognition of merit from a rival, or that association implies unworthy and ignoble service.

The Courts have left good manners and generous impulses to be inculcated by ethical teachings and have not upheld any scheme to create them by statute; they have declined to permit the practices or the professions of a few corporations to make the rule for the many; they have not decided that the commercial progress of mankind has been along mistaken lines, nor have they sought to establish in the world of industry a tyranny of new ideas and aims.

JOSEPH S. AUERBACH.

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RECENT PROGRESS OF AUTOMOBILISM IN FRANCE.

BY THE MARQUIS DE CHASSELOUP-LAUBAT.

It is more than a century since, in 1769, automobilism was born in France, with the steam carriage of Cugnot. This vehicle was of a crude, rudimentary and incomplete construction. The ideas of Cugnot were an entire century in advance of the mechanical means by which they could be realized.

The attempt led to no satisfactory results. Everything was defective—motive-power, steering, control. Nevertheless, the carriage ran, and ran so well, they say, that it broke down the enclosure of the ground on which it was tried. It is an incontestable fact that Cugnot is the inventor of automobile locomotion, and that the honor of first having imagined and realized a new method of transportation, destined to play an important part in the welfare of many lands, belongs to him.

At the end of the last and the beginning of the present century, the great wars of American Independence, of the First Republic, and of the First Empire turned the spirit of France aside from new effort in the way of any kind of locomotion.

It is in England, toward the third decade of the present century, that we see the idea of Cugnot reappear. The same impulse which moved English engineers to build railroads in order to free the great industrial centres from the economic tyranny of those who constructed canals, urged them to study methods of automobile locomotion on highways. That is to say, in its inception, automobile locomotion was considered as an auxiliary to the railroad, which it really is.

Unfortunately, the promoters of new railway lines did not at all understand the respective spheres of action of the machine on the

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rail and the machine on the road. They took umbrage at automobile locomotion, and, since they had much capital and influence at their disposal, they secured a law from the English Parliament, which killed automobile locomotion effectively. This law is one of the numerous *chef d'oeuvres* of hypocrisy achieved by the English Parliament. On the pretext of furthering public interest, it virtually suppressed a potent means of progress and prosperity. It ordained that a man carrying a red flag by day, or a red lantern by night, must be kept a hundred yards in advance of every automobile vehicle.

The consequences of this legislation were not long delayed. Automobile locomotion disappeared. Yet, English builders of that period had already realized some excellent mechanical features. Certain among them had striking and remarkable schemes in regard to boilers, and had conceived extremely interesting "water-tube-boilers." The boilers, which my friends, Normand and Thornycroft, to-day place on their torpedo-boats and torpedo-boat destroyers possess all the theoretical characteristics of certain apparatus conceived half a century ago.

It is necessary to return to France, about 1885, to find the automobile vehicle again in evidence. At that time, MM. Bollée, at Mans, and the Comte de Dion, at Paris, constructed steam vehicles which ran in a satisfactory way. Then Serpollet devised his instantaneous vaporization boilers, which reduce to a minimum the chances of danger, so far as steam engines are concerned.

After that time, automobile locomotion became a subject of talk—but the appearance in 1889 of a petroleum motor, with quaternary explosion features, gave matters an impulse which promises continuance.

In 1894, the *Petit Journal* asked M. Pierre Giffard to organize the first meeting of automobile vehicles. It took place between Paris and Rouen, with a stop at Mantes. Although the design of the promoters was not that the vehicles should be run with a view to testing speed, yet the event from the very outset took on the character of a race. The Dion and Bouton steam-carriage won the race, making the run at a mean velocity of about twenty kilometres an hour.

This was a sturdy little four-wheeler, on the back of which rested the pole-bolt of an ordinary carriage, the fore-part of which had been removed. This constituted a six-wheeled affair, re-

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markably supple and manageable, in spite of its length. The vehicle, empty, weighed 1.4 tons; loaded, 2.25 tons, and could develop 15 horse-power. The two front wheels, steering-wheels, were rubber-tired; the rear wheels, driving-wheels, iron-tired. This motor had the interesting arrangements of the Dion carriage, that is, the use of a Cardan joint as a substitute for the Galle chain, and the movement of the wheel by means of a drilled nave.

Almost all the other vehicles were driven by Daimler petroleum motors. The vehicles of the firm Panhard and Levassor, which controls the Daimler patents in France, had at that time the same principal characteristics as they present to-day, and which have been generally adopted. The motor maintained a fairly constant velocity of 750 revolutions; it acted on the drive-wheels situated at the back by means of a friction cone, a series of variable gears, a differential and a Galle chain; the steering-wheels were in front. The four-seated carriage weighed about a ton.

These carriages, as also the Peugeot petroleum vehicles, the motors of which were built by Panhard and Levassor, worked with remarkable regularity, which, on the whole, demonstrated to those familiar with mechanics, what a future there is in store for the petroleum carriage.

Though this first effort was attended with considerable success, the promoters of new methods of locomotion knew that much more remained to be accomplished. On November 18th, 1894, a most important meeting was held at the residence of M. de Dion, one which marked the beginning of an era of great development of automobiles in France. Those present at the meeting were Messrs. Baron de Zuylen, the Count de Dion, the Marquis de Chasseloup-Laubat, the Count de Chasseloup-Laubat, P. Gauthier, Ravenez, Peugeot, Levassor, Serpollet, Dufayel, Lavallette, Recoppé, Roger, Menier, de Place, Giffard, Emile Gauthier, Meillan, Nansouty and Moreau. It was decided at this meeting that, in the month of June of the following year, there should be a great race from Paris to Bordeaux and back (1,200 kilometres); that the carriages were to make the whole distance in one trip; and that repairs were to be made only by such means as could be carried. The contestants, according to the formula adopted, were to procure *en route* nothing but "entertainment for man and machine." It was, therefore, a race and nothing but a race.

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It was, indeed, true that in a test of this kind it was extremely difficult to establish a method of competing, which should be at all logical and satisfactory. The elements entering into an appreciation of the merits and faults of automobile carriages are so complex, that up to the present time the most competent specialists consider it almost impossible to establish a general formula for the classification of contestants. It was also resolved to adhere to the course; since a test of speed, so long and so hard, would of itself eliminate any vehicle presenting the slightest flaw or insufficiency of construction.

These provisions have been completely realized and to-day a very long and a very hard course is the most assured means of testing a vehicle.

During several months the committee did considerable work; for it was not only necessary to collect funds, but also to elaborate a set of regulations, and to obtain from the proper authorities the permission to make such trials of speed on the various sections of the route. In this arduous task the committee was most efficiently assisted by MM. Marcel Desprez, Member of the Institute; Georges Berger, Deputy of the Seine, and especially by M. Michel Lévy, Engineer in Chief of Bridges and Roads. Thanks to the efforts of the committee, the whole matter was organized in spite of a multiplicity of difficulties. Numerous participants arrived; among them, it gives me pleasure to note two Americans—Mr. Gordon Bennett and Mr. Vanderbilt.

During the early part of June, when all was ready, the vehicles were for several days placed on view in a permanent public exhibition, which attracted much notice. On the 11th of June, at nine o'clock, all the contestants were gathered in Paris, about the Arc de Triomphe. They started in procession, with no attempt at speed, toward Versailles, where the test was to begin. Toward eleven o'clock, all the carriages lined up on the Place d'Armes at Versailles in front of the great Chateau, according to their order of starting, as determined by lot. I verified rapidly all the marks which I had made during the exhibition by means of the stamp with which the committee had entrusted me. I stamped also all the spare movables carried by the vehicles. Finally, at 12.05 noon, I gave the signals for departure, two minutes apart. This race, favored by splendid weather, was a success and created a sensation.

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Thanks to the co-operation of local authorities, of the Touring Club of France, of the Bicycle Associations and the instructions prepared by M. Varennes, there was not the least accident to any of the riders; all went well. The registration, both at fixed points and moving with the race, worked perfectly, and, on the other hand, the minute verifications of the marks of my stamp showed accurately, that the contestants had really accomplished the task "by their own means."

M. Levassor returned to Paris, Porte Maillot, June 13, 1895, at 12.57.30, thus accomplishing the formidable course of 1,180 kilometres (Versailles-Bordeaux-Versailles-Paris) in 48 hours and 48 minutes. He supervised the machine himself constantly, except when ascending an occasional incline, when the rate of speed was comparativly slow, and when he had entrusted the lever to his mechanic. If it be noted that he was on his carriage from 7 o'clock in the morning, June 11, it will be seen that M. Levassor remained on his machine about 53 hours, and nearly 49 of these on the run. Yet he did not appear to be over-fatigued; he gave the final signal to the registering clerk with a firm hand and took, with great relish, a cup of bouillon, two poached eggs and two glasses of champagne.

The general mean of his velocity was 24.012 kilometres an hour: the maximum was 30 kilometres an hour, between Orleans and Tours.

The vehicle which had accomplished this marvellous record without a single break-down or any stops (except those required to take on water and petroleum and one stop for cleaning, of about a quarter of an hour, near Bordeaux), weighed 604 kilos, without supplies or the weight of the two men riding. It had three velocities; 9, 20 and 30 kilometres an hour, the normal number of revolutions being 750. The motor, a new type of "Phœnix," built by M. Levassor, was a Daimler, modified and much perfected. The Levassor carriage, like all the swift carriages engaged in this race, was mounted on solid rubber tires.

A steam carriage, by Dion and Bouton, of about 15 horse-power, which had been making between 50 and 60 kilometres an hour on test, kept in the lead to near Vouvray, on the banks of the Loire, where a break-down in the shafting threw it out of the race. At that moment, in spite of losses of time, occasioned by the cleaning of gratings and the defective organization of re-

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lays, where water and coke had to be taken on, this vehicle was a score of minutes ahead of M. Levassor's carriage. This first steam road-carriage of M. de Dion was probably the most rapid in existence until quite recently. After having undergone some modifications and improvements, it was purchased by M. Michelin, a large manufacturer of pneumatics, and it has continued one of the swiftest and most stable in the maintenance of velocity that I have ever seen. It weighs a little less than two tons, and with its 12 to 15 horse-power easily and without strain makes 50 to 60 kilometres an hour on a level.

Other carriages from Panhard and Levassor and from Peugeot likewise made good records.

The characteristic feature of the race is the triumph of petroleum over steam. The fact is, I gave the signal for departure at Versailles to 15 petroleum vehicles and to six steam vehicles: we noted the return to Paris of 8 petroleum vehicles and of one solitary steam vehicle. This latter was the heavy omnibus by Bollée, constructed and run by able engineers of Mans, who covered the course in spite of numerous break-downs, thanks to extraordinary physical endurance, and to a mechanical skill worthy of their excellent reputation.

The only electric vehicle entered in this race was constructed by M. Jantaud, the eminent builder, who has since then made a specialty of electric carriages. It was a remarkable piece of machinery, especially for that epoch. But owing to the warping of the axle of one of the front wheels, due to a shock, he could not cover the route swiftly enough to utilize the relays of storage-batteries, which he had held in readiness along the line.

After having distributed the prizes, and made its report as a whole, the committee of the Paris-Bordeaux race, on my proposition, declared itself a permanent organization, designed to give to the automobile industry a rallying centre and encouragement based upon conditions of competency and impartiality.

Some months later, MM. de Dion and de Zuylen took the initiative in changing the permanent commission into a sub-committee, adjunct of a society for encouragement of automobile locomotion. Thus the Automobile Club was born, which, in three years and a half, has grown, as to the number of its members, from about 50 to nearly 2,000; and which, because of its large pecuniary resources, and by reason of the liberal and scientific spirit which

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animates the encouragement it gives to the new industry in every way, is certainly to-day one of the most useful and commendable institutions in France.

The Automobile Club of France, for which we have selected the abbreviation "A. C. F.," resolved to organize a race from Paris to Marseilles and back, for September 24, 1896. This course, 1,711 kilometres in length, could certainly have been covered in a single trip by machines with relays of men; but the incontestable danger, which a night-run at full speed involves, led the committee to adopt the principle, which has since been followed, of a test by stages, so regulated that vehicles shall not be obliged to run by night, save in case of long delays, due to breakdowns on the road.

It was decided that the start should be made at Versailles, and that the course should be divided into ten stages; Auxerre, Dijon, Lyons, Avignon, Marseilles, Avigon, Lyons, Dijon,, Sens, Paris. In each of these towns the vehicles were to be put up in a park under surveillance; the replacing of broken parts was prohibited, but ordinary repairs could be made by whatever means came to hand. Of the 32 vehicles, ranged about the Arc de Triomphe de l'Etoile on the 24th of September at nine o'clock in the morning, and which began their run to Versailles on the same day toward noon, 29 returned to Paris. The three which broke down were the only steam vehicles. Again a triumph for the petroleum carriage.

This race was again won by a Panhard and Levassor carriage, which covered the entire course in 67 hours, 42 minutes and 58 seconds, equivalent to a mean velocity of 25.20 kilometres an hour. This carriage was followed closely by other carriages of the same house. The greatest speed, during a single stage, was about 30 kilometres an hour.

The Peugeot carriages also did good work. The firm Delahaye of Tours made its reputation on this occasion, by one of its vehicles, which came in a good fourth.

But the most prominent event of this test was the extraordinary power of resistance displayed by the new petroleum tricycles constructed by the firm Dion and Bouton. Contrary to all prognostications, these diminutive vehicles, the weight of which is hardly more than that of the man who mounts them, covered the immense track almost as fast as the carriages, in spite

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of horrible weather and a veritable equinoctial cyclone during the second and third days—from Thursday, the 24th, at midnight, to Friday, the 25th, at noon, the barometer fell from about 770 to 739 millimetres.

As to the three steam vehicles, they could not accomplish the course. The Dion carriage, which had run the Paris-Bordeaux course, and which was driven by M. Bouton, stopped at Suresnes, even before the start was made, in consequence of a rupture in its large new pneumatic tires, which M. Michelin had fitted to it, without having studied and perfected them sufficiently.

The two other steam vehicles were almost identical brakes, especially constructed for this race, weighing about three tons when made ready for the trip, developing about 18 horse-power when run in compound, and probably a little more than 30 when run by direct action from the large cylinder. Of these two powerful machines, one, in charge of M. de Dion himself, could not go further than Montereau, about 80 kilometers from Paris. The other, of which my brother and I had taken charge, with a fireman and two machinists, took 85 hours to reach Lyons. During this long trip (we took only 12 hours' rest, from Friday midnight till Saturday noon), we spent 47 hours on repairs, on the open road—part of the time, and that the greater part of it (the night of Thursday to Friday, and of Saturday to Sunday), in a drenching rain. It goes without saying that, at the end of a dozen hours so lost, we made not the least pretence of catching up with our more fortunate competitors, but we wished to make a fight for the honor of the steam-principle by finishing the run at least; a purpose which we did not relinquish until the machine was entirely crippled at Lyons.

Almost every part of the mechanism was out of working order, and we had every break-down conceivable, except an absolute explosion of the boiler. We had even carried away a piece of the frame, which we replaced by means of an iron bar, forged by ourselves in a village.

I shall attempt to give here no complete details of this eventful journey, of which, however, I made most careful notes at the time. Complete enumeration of all that happened to us would prove quite lengthy. Suffice it to say, that we ran down a dog, overturned two carts (whose drivers, frightened at the sight of our enormous machine, turned to the left at the very last mo-

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ment), upset a cow, and, finally, broke down a fence in trying to make a turn on soft and heavy soil. As for ourselves, in spite of our rubber hats, vests and trousers, and the provisions of all kinds which we carried with us, we were in a condition, which I prefer not to describe. My brother and I have been over some pretty rough ground in travelling, notably in the Indies, in Japan, in Central Asia, and in the Sahara; but never were we so utterly tired out and so devoid of every similitude of humanity, as when we reached Lyons.

In spite of all that, this carriage is a good vehicle. The accidents that happened to us were due to the fact that the machine had started without sufficient preparation and test. The proof of this is that, a few months later, in January, 1897, the same carriage, in charge of my brother, after some modification and improvement, won in a brilliant manner the Marseilles-Nice-Turbie race, covering the 233 kilometres in 7 hours, 45 minutes, 9 seconds, a mean velocity of about 30 kilometres an hour. This result is still more satisfactory if the unusually uneven and sinuous nature of the road is considered, as also the stops necessary to take on water and coke, and the fact, that without facing certain death, one did not dare to let the heavy vehicle coast on any of the heaviest down-grades.

It was on one of these down-grades that Charron, who was running a Panhard petroleum carriage, and who wanted to catch up with us at any cost, was upset at a turn. Charron and his machinist were thrown out, though they were not hurt at all, and the vehicle turned a complete somersault, and landed on its wheels,—as was demonstrated in an undoubted way by the traces of gravel on the upper part of the carriage. It sustained no serious injury, except the destruction of the steering bar, which Charron repaired with a bit of wood. It returned to Fréjus without a stoppage of the motor.

The tests of Paris-Bordeaux and Paris-Marseilles have shown that automobile carriages can cover long distances on ordinary roads; Marseilles-Nice-Turbie goes to show their practical value, by proving that they can get over the heaviest down-grades.

It was also on this last occasion that really considerable velocities were attained for the first time. Between Ollioules and Toulon, we made 5 kilometres in less than 5 minutes; between Cannes and Nice, the speed officially registered for Michelin was

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about 50 kilometres an hour; ours was a little greater than that, since Michelin had left Cannes on his steam brake five minutes after us, and we were stopped for eight minutes on the outskirts of Nice by an overheated axle, during which time he ran by us like an express train. The second prize was won by a Peugeot petroluem carriage; for, in the first part of the run, Michelin had lost considerable time by the rupturing of his pneumatic tires, which he had not yet been able to bring to the highest degree of perfection.

This race was the only one ever won by a steam carriage, and it will probably be the last in view of the incessant progress made to-day in the construction of petroleum motors, making it possible for them, other things being equal, to develop power superior to that of steam apparatus, as far as now known.

Of course, the petroleum motor has not the elasticity of a steam motor, but it has a peculiar steadiness and a wonderful power of endurance. It has but one weak point, its cylinder, and but one delicate structure, its carburetor; while the steam engine has numberless sources of injury in its boiler, its tubings, its pumps, its cylinder-heads, etc., which are simultaneously subjected to extreme pressures, due both to the steam and to violent jolts on rough roads. Besides, to make a one horse-power hour with a petroleum motor requires about 0.750 kilos of oil and, since the invention of the radiator or surface-condenser, the same water can be used indefinitely for cooling the cylinder. On the other hand, the steam motor requires, for the horse-power hour, about one kilo of fuel and ten kilos of water. The stops necessary to replenish are, therefore, much more frequent with the second of these systems, than with the first.

Since these events, speed in races has constantly increased. In the Paris-Dieppe race in July, 1897, a small Bollée carriage, a sort of tricycle with rear driving-wheels, made the run at a mean speed of about 42 kilometres an hour. Almost the same record was made by the first contestants taking part in the Paris-Trouville race, 170 kilometres, in August, 1897. In the great race, Paris-Amsterdam-Paris, in July, 1898, made in several stages, Charron, running a Panhard two-seated carriage, attained a mean velocity of 44.7 kilometres. Finally, in the recent Versailles-Bordeaux race, one stage without stop, the mean velocity attained by the winner, Charron, on the total run of 565 kilometres, was

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48.776 kilometres. On certain quite lengthy stretches of the course, the mean speed passed 60, and at some points reached even 70 to 80 kilometres an hour. This carriage, from the establishment of Panhard and Levassor, weighs about a ton and carries an equipoise motor of from 12 to 15 horse-power.

However astounding these velocities, they are surpassed by the record tests in kilometres made in the park d'Achères, near Paris, not, as frequently stated, on a specially prepared track, but on an ordinary road, with the sole advantages of three or four kilometres of virtually straight road and of being absolutely shut in from interfering vehicles on test days, since the track crosses property belonging to the City of Paris.

On January 27, 1899, Genatzy, mounting a carriage not specially constructed for great speed, left the starting-point and covered two kilometres in one minute and 41 4-5 seconds—the first kilometre, with a standing start, in 57 seconds, that is, at the rate of 63.166 kilometres an hour; and the second kilometre, with a running start, in 44 4-5 seconds, that is, at a rate of 80.357 kilometres an hour.

On March 4, 1899, Count de Chasseloup-Laubat, on a Jantard carriage, not specially built for this style of test, but with certain most important modifications—such as running the front and rear of the carriage out into sharp points, so as to offer least resistance to air—covered the same course of two kilometres in 1 minute, 27 2-5 seconds—the first kiolmetre, with a standing start, in 48 3-5 seconds, or at the rate of 75 kilometres an hour; and the second kilometre, with running start, in 38 4-5 seconds, or at the rate of 92.783 kilometres an hour.

Finally, on April 29, 1899, Genatzy, riding a carriage specially built to break all records, and which has the shape of a large cigar mounted on four small wheels, made the two kilometres in one minute 21 4-5 seconds—the first kilometre, with a standing start, in 47 4-5 seconds, and the second kilometre, with a running start, in 34 seconds, or 105.852 kilometres an hour.

The two contestants have stopped there, since Count de Chasseloup-Laubat had no desire to build a special carriage for the purpose of breaking the Genatzy record; but, all things considered, it is almost certain, that the two contestants, should they wish to make the effort, can reduce the kilometre to about 30 seconds, that is, to a rate of 120 kilometres an hour. This re-

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sult, astonishing as it may appear, is, to my mind, less extraordinary than velocities already attained; that is to say, at the rate of 75 kilometres an hour, with a standing start. For, even if locomotives have frequently surpassed the speed of 120 kilometres an hour, I believe no engine has as yet covered a kilometre from a standing start at the rate of 75 kilometres an hour. The start of one of these electric carriages absolutely leaves the impression on the observer of the start of a rocket.

It is well to note that all racing or record carriages are mounted on pneumatic tires, without which these great speeds would seem impossible. Among the manufacturers who have been enabled, by perseverance and experience, to construct air-cushions that will stand these tests, it is proper to mention M. Michelin de Clermont-Ferrand.

But the object of automobilism is not solely to obtain ever-increasing velocities. Many good judges are of the opinion that a maximum speed, and one that cannot well be sensibly surpassed with due regard to essential conditions of safety, has already been attained. The great velocities actually reached are only possible with persons specially skilled in such matters, and on tracks where it is possible to see far enough ahead to be assured of the absence of obstacles.

In the same way, the Automobile Club, true to its purposes and its programme, is not confined to the encouragement of races. It has organized exhibits of carriages, where the public can examine the different vehicles and the different systems which their originators extol. It has also organized gatherings of cabs and of "heavy-weights," that is to say, vehicles designed to transport a large number of passengers or a considerable weight of merchandise at slow rates of speed. During these tests, which last several consecutive days, the competing vehicles are stabled every night in a building under the surveillance of the Automobile Club. A technical commission carefully notes the weights of requisites of every kind (water, fuel, grease, etc.), as well as the quantity of electrical energy required for each vehicle. On each of these, a special commissioner keeps a road-journal, noting carefully the stops, the repairs, mean velocities made on different sections of the road, and in a general way all information of interest. On the track, mounted inspectors and commissioners on light and rapid petroleum vehicles circulate constantly. All re-

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pairs, the duration of the concourse in the park, etc., are noted on return in the evening. In a word the most minute particulars are taken, to study in a most serious and impartial fashion the qualities and faults of each of the vehicles concerned. The technical commission then meets, and makes a general report according to the information and documents which it has received, as well as a specific report for each vehicle. It then decides upon some measure of recompense, if there be reason for it, for the vehicles which seem most deserving.

From all these races and meetings, it is evident that steam, electricity and petroleum have, each of them, drawbacks and advantages. Without wishing to enter upon a technical dissertation, which would not be *á propos*, and would exceed the limits of this article, it may be said that, in the existing status of the science, each system, presenting different advantages and disadvantages, seems intended for a different line of application.

The steam carriage requires about 11 kilogrammes of its total weight for supplies for the horse-power hour: it needs a mechanic as fireman, independently of the conductor: its maintenance is quite complicated and difficult; but it is relatively inexpensive, furnishes a steady power, can start up readily with a heavy draft and takes hills easily. It seems designed, therefore, for heavy traffic, and for running across broken country and on roads carefully studied and of determined lengths.

The electric carriage is of simple construction, and runs with relative ease. Better than steam, it is adapted to rapid movement at starting and on up-grades. It works without noise or vibration. But the 20 or 30 kilogrammes of storage-battery weight actually necessary to make the horse-power hour, and the length of time required to re-charge the storage-batteries, necessarily limits its sphere of action. It is, *par excellence*, the urban vehicle, especially for passenger traffic, rather than for freight.

The petroleum carriage, which requires only 0.750 kilogrammes of supplies for the horse-power hour, is hardy, relatively simple and readily run. But its vibrations, though much diminished in the new equipoise motors, are still quite perceptible. The combustion of the oil produces a disagreeable odor, if carburization is not thoroughly regulated. The danger of fire from the presence of the fuel, which must needs be carried, is always to be feared from the slightest imprudence. The motors hitherto built are

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not elastic, and, save in racing carriages, are a little feeble in starting and on an up-grade. It is a good carriage for service in both city and country combined. For long runs, it is actually the only one available.

Such is to-day the technical situation of the question.

This summary, necessarily incomplete, shows how great recent progress in automobilism in France has been. It shows, also, the prominent part which the Automobile Club and its founders have played in this recent progress, by creating a centre of encouragement for all the interests of the new industry in general. This progress has necessarily aroused some detraction, some jealousy, some envy. It must necessarily do battle with the ill-will of many, of certain officials, of certain local authorities, although on the whole, the masses and the authorities have been very favorably disposed toward the new method of locomotion.

Mechanical vehicles can certainly be utilized in restricted localities, not sufficiently important to permit remunerative exploitations by railways, even by a narrow gauge road. In fact, the automobile is as free on the roads as a ship at sea. According to the changing needs of local traffic a variable number of vehicles can be put on without the heavy expense necessarily involved in the construction and maintenance of a railroad, a permanent and fixed expense not influenced by trade, whether the latter be good or bad. There is no doubt whatever that, if automobilism had appeared a score of years earlier, none of the ruinous electoral railroads, constructed on the Freycinet plan, would have been begun. There is furthermore no doubt but that the recent progress of the new industry has already tended to moderate that financial plague, the small local railroads, built as a detriment to the nation at large, for the benefit of a few.

One of the principal causes of the actual attainment of automobilism is certainly the good condition of the roads in France. The mass of the French nation understand that, on the one hand, automobilism, by making a large use of the superb network of roads which the railroad has depopulated somewhat, will give new life to many localities now almost abandoned. They also understand that the best way of compelling the Government to maintain this network of roads is to justify the expense of maintenance by new modes of locomotion, capable of rendering service according to the needs of our times. In a modern nation,

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it may be taken for granted, that automobilism and the network of roads are intimately interdependent.

As to the economic and social changes brought about by this new method of locomotion, they are certainly not as profound as those which the building of railroads and the application of the electric telegraph called into being; yet they are far from being insignificant, and there is no temerity in the thought that they will have a real import in the very near future. The study of practical mechanics will receive an extraordinary impulse among all classes of the population, and out of it will grow a *rapprochement* between idle wealth and the laboring man. Distance will be of less importance than in the past in countries that boast a network of good roads. With mechanical vehicles in general use it will be an easy matter to live 20 or 30 kilometres from the place of one's daily avocations, especially in summer, and it will be considered a promenade to go for breakfast 50, 100 or 150 kilometres away from home. Profound modifications will undoubtedly result from this, not only in country life, but, what is more important, in the life of a numerous class inhabiting our large cities. Automobilism, even more than our suburban railway lines, will cause the great city of the future to extend even further than it has in the past, and will permit a greater number of men to enjoy the ineffable blessing of pure air, of green grass and of sunlight. Automobilism is a means of progress, of well-being, and of civilization.

MARQUIS DE CHASSELOUP-LAUBAT.

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AMERICAN UNIVERSITIES.

BY EDOUARD ROD.

THE universities of the United States appeared to me to be young and strong, full of life and promise—nursery gardens in which trees are growing that are already vigorous and cannot fail to bear fine fruit. Although they gather inspiration from European experience, they preserve their individuality. They bear the imprint of the originality belonging to the new race which has produced them and which cultivates them with predilection. One of the characteristics of this race which struck me most forcibly is its taste and its respect for traditions. Not having as yet any traditions of its own, by reason of its youth, it seeks to create them, and history is its help from day to day, or else it seeks to re-establish connection with those of the old world from which more immediate needs had almost completely separated it for a time.

The universities are in effect the natural connecting link between the distant past of European culture and the future of the new civilization, which is working itself out on the other side of the ocean. This is one of the reasons, I believe, why they are respected and loved: they represent the only thing which the active and audacious genius that is mastering the forces of nature cannot improvise—the slow growth of generations, the intellectual capital whose orderly and continuous accumulation cannot be forced by speculation. It must be acquired with patience.

The fathers have not had the leisure to do this, but the sons will have it; and thus will be repaired the broken chain which will connect by links of knowledge the peoples of yesterday with those of to-morrow.

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It seems to me, however, that the American universities have not only an American physiognomy, but that each has its own peculiar character; each seeks its ends by means of its own choice. Strolling through the beautiful avenues of Cambridge, for example, I thought of the peaceful retreat which certain small towns of Germany offer to science, where the student is far from the turmoil of the world, where the university buildings never fail to recall to the memory the "*templa serena*" of the poet. In New York and Chicago, on the contrary, the universities, although isolated as far as possible, are hardly more than episodes, if I may say so, of the maelstrom of life that carries them along with it. Am I mistaken? Yet I imagine that the young men who are preparing themselves there for the work of life will become, almost of necessity, men of action, fighters; while others, who are brought up in quiet centres already possessing some consecration of age, will retain in their inmost nature the taste for more deliberate reflection, in which they will love to take refuge sometimes as in a sanctuary.

Cornell impressed me much by its practical and professional features. This teaching of students to use their ten fingers, to handle tools and to make for themselves what cultivated men are always inclined to ask others to make for them, is judicious and up to date. It gives the death blow to the prejudice which despises manual labor and exalts beyond all reason the work of the brain.

I am very far from being one of those who believe in the dogma of equality; but, if there is any point on which it can be admitted, it is this: Human effort, whatever it may be, is equally noble. Ridiculous pride alone measures out differences between occupations and classes by chimerical rounds of an absurd ladder. The workshop by the side of the laboratory, the school of agriculture by the side of the Latin classes, the model dairy by the side of the library—here is a conception that will in the end overthrow that deplorable ladder, which in our country is climbed by too large a number of young men of fortune destined to idleness, or ambitious youths condemned to misery. Moreover, it seems to me that higher education everywhere had an essentially practical side: the "seminaries," for example, have in general the plan and the equipment to which they are entitled; hence they yield excellent results, as I am told.

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An innovation that I appreciate without, however, being able to measure its full scope, is that of uninterrupted sessions in the University of Chicago, whose vitality shines forth with so much brilliancy and enthusiasm. We have vacation courses in a few of our European universities, but they do not go to the extent of doing away with vacations entirely. I am reminded of the song we used to sing when July drew near:

"Vivent les vacances
Denique tandem . . . . "

In truth, the vacations have hitherto been one of the essential elements of university life, and these times of complete and forced cessations during the summer season have always seemed salutary to teachers as well as pupils. Hence I cannot help reserving my opinion on the Chicago innovation. There, however, everything moves so fast that nobody thinks of resting.

A European cannot visit the American universities without admiring the perfection of all that makes up their material equipment.

We have no idea whatever of such conveniences. We content ourselves with old buildings which have sometimes stood for several centuries, and which are restored and retouched, as well as may be, from time to time to adapt them, as far as possible, to the needs of the moment. When hygiene discovers that the air must be renewed, windows are put in the walls. They are built higher and flanked with wings and additions, when an increase in the number of students requires. We wait until they burn down before building new ones; but they do not burn down, for they are solid. They leave much to be desired. We love them, however; for, if they no longer answer present requirements, they have made us what we are. Their walls crumble, their floors are worn and in their halls we breathe the odor of ancient things; but this odor is dear to us; we love to breathe the past which it represents, the bygone days which it has preserved. And we think, not without pride, of all the glory which has been gathered there, of the illustrious teachers who have taught in those chairs, of the great men who have sat on those age-worn benches. That is no reason, however, for not marvelling at the modern equipments, so admirable in their completeness, which may be seen at New York, at Chicago, at Philadelphia,

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and even in universities of less importance. There is not a single detail that is not perfect. After a visit to them, one seeks—even with some spirit of opposition—for something to criticise and one finds nothing. It is too good; we have to look elsewhere if we must find fault.

I have looked, and this is what I have found. The American universities require too much of their professors. They are not alone, to be sure, in this fault; it is found in other democratic and new countries, where public instruction is organized by persons who have much good will, but who are unable to judge of the conditions of higher culture. One must belong, to some extent, to the profession to appreciate the amount of labor represented by a well prepared lecture and the importance of offering to students no lectures that are not well prepared. Now, to many people, the actual time required to give the lesson is all that counts; they are persuaded that when a professor is delivering his lecture he is doing the major part of his task, and if they have any authority, they consider only how his work—such as they understand it—may be increased, for the greater good of the students and the university. This is to me the worst of all errors; to overload the courses of a university is to work for poor results. The professors do not then give their full measure, for it is physically impossible to prepare lectures for eight or ten hours a week; and the students suffer from what is imperfect in the work of their teachers. Here, more than in any other domain, quality is of far greater importance than quantity; for university instruction aims less at imparting positive knowledge than at furnishing a good method. Hence I cannot help considering our French habits preferable in this important point. Let there be few lectures, but let each be a masterpiece, whose excellence shall have no other limits than those of the professor's ability.

I liked greatly the little I saw of student life. The students with whom I had the opportunity to talk familiarly delighted me with their frankness, their good will, their mixture of precocious maturity and juvenile qualities, of brightness and seriousness.

It is very delightful to see these vigorous, healthy, robust young men devoting sufficient time to hygiene and thus avoiding the evils of overwork. Indeed, overwork must be an empty word

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here, judging by the leisure they have and the very intelligent way in which they employ it. Representations of plays—ancient and modern, French, English, German or Greek—games of cricket, baseball, football, athletic exercises, clubs of all sorts furnish activity enough to fill all the hours of the day, all the days of the term, and all the terms of their course.

"But when do you find time to work?" I asked one of them.

He answered: "Sometimes."

As a matter of fact, their work is done, and, I have a thousand reasons to believe, well done. Their very pleasures are of service to them.

At Harvard University I attended a representation of one of Kotzebue's plays given by the German club. Almost all the actors spoke correctly, with little accent and much fluency. In the same university I often met the young members of the French club, to whom I am indebted for the honor and the pleasure of my voyage. They use the language of every day very well, and the representations which they are preparing with great care will no doubt greatly contribute to its mastery. Knowledge need not be repulsive, work wearisome nor science forbidding. At Ithaca I followed the varying fortunes of a game of baseball. The display of strength, agility and skill was admirable. We admire it yet more when we consider that these athletes will become, and indeed are already, men of thought. Ah! how they banish from our minds the time-honored image of an emaciated, sickly and top-heavy scholar!

One detail struck me which I will frankly point out, without being unaware that I may wound certain very respectable convictions. I was greatly surprised by difficulties created in various places by laws or regulations due to the efforts of total abstainers. When I found the students who have no tavern and who, in their clubs, cannot drink beer or wine without procuring a private supply in each case, I immediately felt very sorry for them, as I did for myself also on the rare occasions when I had to share their fate. I certainly am in accord with all respectable people in endeavoring to fight the ravages of alcohol, and I can understand why they should try to suppress spirituous liquors because they are dangerous. But fermented beverages! Wine is as natural as Apollinaris water, beer is as wholesome as ginger-ale; to forbid their use in order to prevent their abuse

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looks to me only like a deplorable paradox. I think of the gayety of my student years, and I wonder what they would have been without the light white wine of the canton of Vaud, without the good rich German beer.

Yet I may be mistaken. Every country has its own customs. The American students, even those who drink nothing but water, are lively, gay and manly young men. They have other pleasures which are just as good as ours.

I carry with me the best of recollections of the students of the United States, as well as of their teachers, and I wish to dedicate these too brief notes to the one who was my guide and companion during my stay at Harvard. If many of his comrades are like him, America may expect a fine fruitage from her young universities.

EDOUARD ROD.

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THE "AMERICA" CUP RACE.

BY THE HON. CHARLES RUSSELL.

If association with Sir Thomas Lipton through all this business and pleasure of the "Shamrock" is a credential for such an article as this, it may be claimed by the present writer. He was with Sir Thomas Lipton when the building of the yacht was first discussed, in the spring of 1898. He saw the "Shamrock" grow upon the stocks and take her plunge into the water; and, as a guest on the "Erin," he watched the trial trips of the "Shamrock" in the Solent during this summer, and was on board her with her owner when she won her maiden victory over the "Britannia."

Repeated conversations with Sir Thomas Lipton at these various stages, and at all the intervening ones, go to the making of this article, which may be taken to represent his sentiments, if it has not succeeded in repeating his words.

To win back the Cup and to win it for Ireland has been, indeed, a dream of Sir Thomas Lipton's for many years. Belonging to one of the multitude of Ulster families who have emigrated, not to America like President McKinley's, but to Scotland, he found himself, in early manhood, a dweller on the banks of the Clyde, the great river that gives Glasgow not only its means of livelihood, but also its sport, its pleasures, and its close touch with the sea.

Yachting was, as a matter of course, in the air; and the fact that "The Cup" had gone to America from Cowes in 1851, and had stayed there, somehow impressed itself upon his imagination, even as a boy, and suggested vaguely the idea that he himself might, perhaps, one day try to bring it back. Ten years ago, during one of the more than fifty crossings of the Atlantic Sir

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Thomas has made on pleasure and business, he happened to meet Mr. Fife, of Fairlie, the designer of the "Shamrock," and a talk with him brought the old idea into some sort of perspective, so that Sir Thomas wrote to Mr. Lane, then sitting in Parliament for Queenstown Division of County Cork, and now the General Manager in Ireland of a New York insurance company, offering to supply the sinews of war if a likely boat could be built in Ireland. The difficulties, however, were too many, and hours of leisure were too few.

Time passed; many things had happened since that proposal was made, including Lord Dunraven's challenge, with its unhappy sequel, when, on a long railway journey with a friend, the idea was revived and the die was really cast.

Perhaps it was the stimulating effect that movement has on some minds; but the topic of the challenge, once started, went forward with leaps and bounds. Begun in France, it trundled with the travellers through the Mont Cenis Tunnel, and was their companion over Piedmont, and till Rome was reached. There the travellers' ways parted; but Sir Thomas, first by the Bay of Naples, then a little later in Ceylon, and his companion on his return to London from Rome, kept the yacht that was to be named the "Shamrock" still before them. Cosmopolitan as these origins sound, and as the race itself must be, the thoughts of the two Irishmen did not travel so very far afield; they recurred to Ireland at every point and turning.

The boat was to be an Irish boat, not in ownership and name only, but, as far as might be, in the building and in the manning of her as well.

When Sir Thomas Lipton returned home after his visit to the East, he found his friend had not been idle, but had justified the trust placed in him to push on with the venture. Many preliminary difficulties had been removed, and matters were awaiting to be dealt with finally by the master hand of Sir Thomas Lipton, without further loss of time. The great Irish firm, Messrs. Harland and Wolff, foremost among owners of those shipbuilding yards at Belfast which owe their prosperity in great part to Transatlantic communication, were called to the councils. Their decision that a racing-yacht, with its almost jeweller's metal-work, was out of the scope of their ordinary business, led to the commission's going, to its giver's deep regret, away from

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Ireland, and finally to the Thames, where the Messrs. Thornycroft have made a specialty of work of the kind. All the same, the "Shamrock" is an Irish boat, and its challenge went forth from the Royal Ulster Yacht Club, the leading club of the province, with Lord Dufferin for its Commodore—first famous by his "Yachting in High Latitudes."

Americans are Englishmen's cousins in name; they are often Irishmen's in fact, with the flotilla of emigrant ships to connect the two shores; and Lord Dufferin can claim, besides his common cousinship with Americans, a special one with General Sheridan.

One does not envy the man who has to write Lord Dufferin's epitaph in brief space; for—if it is to please all—it will commemorate him, not merely as a Viceroy of India and a Governor-General of Canada, but also as the son of the lady who wrote "The Lament of the Irish Emigrant," and as one who spent the end of his own eventful life in the home of his boyhood by the shore of Belfast Lough.

On the flag of the Royal Ulster Yacht Club, which the "Shamrock" flies (in addition to her own green shamrock), is an ominous device—the red hand of Ulster. The legend is that there was a race at sea for supremacy; and that he who first touched shore was to be king. O'Neill was behind, when he chopped off his hand, flung it ashore, and so won the crown.

The obvious moral is that the competitor must be thorough in his striving for victory, and that he must shirk no sacrifice if he would win.

All the same, despite this gory emblem, the owner of "Shamrock" will come from the contest unmaimed, whether winning or losing. He does not feel he is on the brink of a battle with foemen, by whom it is a disgrace to be beaten; or that, if he wins, his victory will come at the cost of the loss of friends or friendships. On both sides, the race will be entered upon with the best of tempers and as between comrades. If there has been any chatter about past or possible future friction with American sportsmen, his ears have given it no toleration, and one is really ashamed to accord it in print even a disclaiming allusion. The conditions of the New York Yacht Club were accepted *en bloc*, without a single emendation, by the representatives of himself and of the Royal Ulster Club who went at his request last August to New York. His request to them was to do so, for he knew that nothing would

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be left out by the New York Yacht Club which would ensure a good race or which would safeguard the competitors from any misunderstanding; and his representatives found his anticipation was absolutely correct. On every point anxiety was shown to meet difficulties.

The matters of measurement and mark-boats or overcrowding had unfortunately been made delicate ones, no doubt; but they did not bring about even a discussion between us. As for overcrowding, Congress itself, independently of this particular race, has placed the very serious responsibility of keeping the course clear for the combatants upon the Secretary of the Treasury and has given him ample means of discharging it. An amendment of the Navigation Laws, approved in the May of 1896, empowers the Secretary of the Treasury to employ cutters at "regattas, amateur or professional," to keep out of harm's way, as it is delicately put, "excursion steamers, yachts, oarsmen, and all craft" —yes, all craft whatsoever—that is certain. No doubt Mr. Secretary counts this responsibility not the least of his many duties.

Interchanges of sportsmanlike rivalry, conducted in a proper "give and take" spirit, are the best of bonds between nations as between men. England thinks better, not worse, of Australia since Australia beat her at cricket. Nor will anything but good-will be the outcome of this challenge—good-will between Americans, Englishmen, Irishmen, and Scotsmen—people so vitally intermixed that where one wins the other cannot wholly lose. Frankly, as an Irishman, bred in Scotland, and bustled by business into England, Sir Thomas Lipton desires to better America's present best, and to hold the Cup till the time comes when our best, in turn of fortune, is again bettered by America. If the "Shamrock" loses, the countries on this side of the Atlantic will have at least the consoling pride of fathers who see themselves outstripped by their own sons. The race, undecided, is delightful to anticipate, even though anxiously; and, however decided, it will never be less than delightful to the owner of the "Shamrock" in the retrospect. Keen as has been the interest taken in past contests, it is admitted by all that the enthusiasm which follows the "Shamrock," whether in Ireland, England or Scotland, is absolutely unprecedented in the history of the contest. Wherever the "Shamrock" appeared she was surrounded from morning till night by endless crowds of steamers and all kinds

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of craft loaded down with her well-wishers. "Her departure for America"—to end in veritable words of Sir Thomas Lipton—"was a sight I shall never forget; and the voices of the great crowds singing the melody of 'The Dear Little Shamrock' I cannot recall without emotion. We had, too, a pleasant foretaste of America's welcome in the hearty cheers always given us by the many American liners which passed the 'Shamrock' in the Solent or on Southampton waters. All this I can read but one way, that there is a growing desire on both sides of the Atlantic for closer bonds and a more intimate friendship. If I should help toward such a consummation I should indeed feel satisfied."

CHARLES RUSSELL.

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AGUINALDO'S CASE AGAINST THE UNITED STATES.*

BY A FILIPINO.

A SHORT time ago, the American people were painfully shocked into a sense of the truth as to the condition of affairs in the Philippine Islands, by the protests of the newspaper correspondents that Gen. Otis was deliberately falsifying the reports of the Philippine campaign to suit public vanity. This by means of a rigid censorship, instituted by his "sovereign" commands, he has done in the most efficacious manner, and the American people awoke the other day, not, like the English poet Byron, to find themselves famous, but to realize the fact that they have been miserably duped. The resignation or demission of Secretary Alger was a necessary consequence of this revelation.

We Filipinos have all along believed that if the American nation at large knew exactly, as we do, what is daily happening in the Philippine Islands, they would rise *en masse*, and demand that this barbaric war should stop. There are other methods of securing sovereignty—the true and lasting sovereignty that has its foundation in the hearts of the people. Has not the greatest of English poets said:

> **"Kind hearts are more than coronets,**
> **And simple faith than Norman blood?"**

And, did America recognize this fact, she would cease to be the laughing stock of other civilized nations, as she became when she abandoned her traditions and set up a double standard of government—government by consent in America, government by force in the Philippine Islands.

*This article was written by an authorized personal representative of Aguinaldo. For diplomatic reasons he considers it unwise to attach his signature.—EDITOR N. A. R.

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"Coming events cast their shadows before." Let us look at the situation exactly as it is, as we know it to be, and let the American people no longer deceive themselves or be deceived by others.

Politically speaking, we know that we are simply regarded as the means to an end. For the time being, we are crushed under the wheels of the modern political Juggernaut, but its wheels are not broad enough to crush us all. Perfidious Albion is the prime mover in this dastardly business—she at one side of the lever, America at the other, and the fulcrum in the Philippines. England has set her heart on the Anglo-American alliance. She is using America as a cat's-paw. What she cannot obtain by force, she intends to secure by stratagem. Unknown to the great majority of the American people, she has taken the American government into her confidence, and shown it "the glorious possibilities of the East." The temptation has proved too strong. Now, in this, England is playing a double game, on the principle of "heads I win, tails you lose." If America should win, all is well; England has her ally safely installed in the East, ready at her beck and call to oppose, hand in hand with her, the other powers in the dismemberment of the Orient. If America loses, she will be all the more solicitous to join in the Anglo-American alliance. The other powers stand by and see this political combination effected, while their plenipotentiaries gravely discuss, at the Hague, the theoretical aspects of universal peace, and are deaf to the wail of the widows and the orphans, and to the cry of an oppressed race struggling to be free. Such is "man's inhumanity to man."

You have been deceived all along the line. You have been greatly deceived in the personality of my countrymen. You went to the Philippines under the impression that their inhabitants were ignorant savages, whom Spain had kept in subjection at the bayonet's point. The Filipinos have been described in serious American journals as akin to the hordes of the Khalifa; and the idea has prevailed that it required only some unknown American Kitchener to march triumphantly from north to south to make the military occupation complete. We have been represented by your popular press as if we were Africans or Mohawk Indians. We smile, and deplore the want of ethnological knowledge on the part of our literary friends. We are none of these. We are

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simply Filipinos. You know us now in part: you will know us better, I hope, by and by.

Some clear-headed men in the United States Senate knew the facts; but, alas, genius and correct thinking are ever in the minority.

I will not deny that there are savages in the Philippine Islands, if you designate by that name those who lead a nomad life, who do not pay tribute or acknowledge sovereignty to any one save their chief. For, let it be remembered, Spain held these islands for three hundred years, but never conquered more than one-quarter of them, and that only superficially and chiefly by means of priest-craft. The Spaniards never professed to derive their just powers from the consent of those whom they attempted to govern. What they took by force, they lost by force at our hands; and you deceived yourselves when you bought a revolution for twenty million dollars, and entangled yourselves in international politics. *"Non decipimur specie recti."* You imagined you had bought the Philippines and the Filipinos for this mess of pottage. Your imperialism led you, blind-fold, to purchase "sovereignty" from a third party who had no title to give you—a confidence trick, certainly, very transparent; a bad bargain, and one we have had sufficient perspicuity and education to see through.

In the struggle for liberty which we have ever waged, the education of the masses has been slow; but we are not, on that account, an uneducated people, as our records show. Your Senators, even, admit that our political documents are worthy of a place in the archives of any civilized nation. It is the fittest and the best of our race who have survived the vile oppression of the Spanish Government, on the one hand, and of their priests on the other; and, had it not been for their tyrannous "sovereignty" and their execrable colonial methods, we would have been, ere this time, a power in the East, as our neighbors, the Japanese, have become by their industry and their modern educational methods.

You repeat constantly the dictum that we cannot govern ourselves. Macaulay long ago exposed the fallacy of this statement as regards colonies in general. With equal reason, you might have said the same thing some fifty or sixty years ago of Japan; and, little over a hundred years ago, it was extremely questionable, when you, also, were rebels against the English Government,

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if you could govern yourselves. You obtained the opportunity, thanks to political combinations and generous assistance at the critical moment. You passed with credit through the trying period when you had to make a beginning of governing yourselves, and you eventually succeeded in establishing a government on a republican basis, which, theoretically, is as good a system of government as needs be, as it fulfils the just ideals and aspirations of the human race.

Now, the moral of all this obviously is: Give us the chance; treat us exactly as you demanded to be treated at the hands of England, when you rebelled against her autocratic methods. Deal only with facts in a rational and consistent way. Leave empiricism alone, and address yourselves seriously to the work of seeking the solution that shall be honorable to both parties. We know all the wire-pullers who are at work. We can tell you far more than you know; for we know our country and our countrymen, their past history, and what is necessary for their future good.

Now, here is an unique spectacle—the Filipinos fighting for liberty, the American people fighting them to give them liberty. The two peoples are fighting on parallel lines for the same object. We know that parallel lines never meet. Let us look back to discover the point at which the lines separated and the causes of the separation, so that we may estimate the possibility of one or the other or both being turned inwards so that they shall meet again.

You declared war with Spain for the sake of Humanity. You announced to the world that your programme was to set Cuba free, in conformity with your constitutional principles. One of your ablest officials gave it as his opinion that the Filipinos were far more competent to govern themselves than the Cuban people were.

You entered into an alliance with our chiefs at Hong Kong and at Singapore, and you promised us your aid and protection in our attempt to form a government on the principles and after the model of the government of the United States. Thereupon you sent a powerful fleet to Manila and demolished the old Spanish hulks, striking terror into the hearts of the Spanish garrison in Manila. In combination with our forces, you compelled Spain to surrender, and you proclaimed that you held the city, port and bay of Manila until such time as you should deter-

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mine what you meant by the word "control," as applied to the rest of the islands. By some mysterious process, heretofore unknown to civilized nations, you resolved "control" into "sovereignty," on the pretense that what is paid for is "possession," no matter what the quality of the title may be.

Let us go into details. You went to Manila under a distinct understanding with us, fully recognized by Admiral Dewey, that your object and ours was a common one. We were your accepted allies; we assisted you at all points. We besieged Manila, and we prevented the Spaniards from leaving the fortified town. We captured all the provinces of Luzon. We received arms from you. Our chiefs were in constant touch with your naval authorities. Your consuls vied with each other in their efforts to arrange matters according to the promise made to us by your officials. We hailed you as the long-prayed-for Messiah.

Joy abounded in every heart, and all went well, with Admiral George Dewey as our guide and friend, until the arrival of General Merritt. Either on his own responsibility, or by orders from the Government at Washington, this general substituted his policy for that of Admiral Dewey, commencing by ignoring all promises that had been made and ending by ignoring the Philippine people, their personality and rights, and treating them as a common enemy.

Never has a greater mistake been made in the entire history of the nations. Here you had a people who placed themselves at your feet, who welcomed you as their savior, who wished you to govern them and protect them. In combination with the genius of our countrymen and their local knowledge, you would have transformed the Philippine Islands from a land of despotism, of vicious governmental methods and priestcraft, into an enlightened republic, with America as its guide—a happy and contented people—and that in the short space of a few months, without the sacrifice of a single American life. The means were there, and it only required the magic of a master-hand to guide them, as your ships were guided into Manila Bay.

Who is responsible for the contrast between the picture I have just drawn and that which meets the eye at the present moment with all its ghastly horrors? Wider and wider the separation became with very many aggravating circumstances, until liberty now travels in two parallel lines, very distant from each other.

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It is our distinct opinion, and we would fain think it correct, that the President of the United States was misled by the military ideas of Gen. Merritt, as he has been later deceived by those of Gen. Otis. He saw the fatal mistake too late. Gen. Merritt, whose name must ever go down to posterity linked with the memory of the bloodshed and the horrors of this inhuman and unjust war, was recalled. Let us hope the error was one of judgment only.

The rest is a matter of history, of which the American public, otherwise lamentably ignorant of details, possess at least Gen. Otis' version, which, needless to say, is far from being the correct one. The administration defend themselves by saying that they know the truth. The more shame to them that they continue this barbarous and unjust warfare!

You have been deceived from the beginning, and deception is the order of the day. You continue to deceive yourselves by the thought that once the military power is established in the Philippines, the rest is a matter for politicians. Verily you are falling into the pit you have dug for yourselves. Your officials and generals have broken their promises with our countrymen over and over again. Your atrocious cruelties are equalled only by those of Spain.

You take into your confidence the odious reptiles of Spanish priestcraft. You have established a reputation for the historical *Punica Fides*. In the face of the world you emblazon Humanity and Liberty upon your standard, while you cast your political constitution to the winds and attempt to trample down and exterminate a brave people whose only crime is that they are fighting for their liberty. You ask my countrymen to believe in you, to trust you, and you assure them that, if they do so, all will be well. But your action is on a plane with the trick which the vulgar charlatan at a country fair plays upon the unwary with three cards and an empty box.

You will never conquer the Philippine Islands by force alone. How many soldiers in excess of the regular army do you mean to leave in every town, in every province? How many will the climate claim as its victims, apart from those who may fall in actual warfare? What do the American people, who have thousands of acres yet untilled, want with the Philippines? Have you figured up the cost?

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The conclusion of the whole matter is this: You were duped at the beginning. You took a wrong step, and you had not sufficient moral courage to retrace it. You must begin by conquering the hearts of the Philippine people. Be absolutely just, and you can lead them with a silken cord where chains of steel will not drag them. We excuse your want of knowledge in the past, for you have had no experience in treating with our people; but retrieve your mistake now, while there is time.

The man, next to Gen. Merritt, who has misled you, and who is responsible for the continuance of this barbarous warfare, is General Otis. Had he allowed the Peace Commission to act independently, a *modus vivendi* would probably have been arrived at. But this question of sovereignty—why, such a transparent farce has never before been flouted before an intelligent people and the world in general. Can you wonder our people mistrust you and your empirical methods? They do not even regard you as being serious—a nation which professes to derive its just power of government from the consent of the governed.

"Lay down your arms," you say. Did you lay down your arms when you, too, were rebels, and the English under good King George demanded your submission? How in the name of all that is serious do you demand that we shall do what you, being rebels, refused to do?

Therefore, we Filipinos say: "Recall Gen. Otis, give the Peace Commission a free hand, try rather methods of fair dealing, make our countrymen believe that you are sincere, and be sincere and just in your dealings with them. Suspend the order for these rabble volunteers, the scum of your country, whom you propose to send across the sea to die of the effect of the climate, and you will find you can do more in a month than you will do by force in twenty years. Your scheme of military occupation has been a miserable failure. You have gained practically nothing. With General Otis, or without him, you will have to commence at the beginning again. Our forces are manufacturing thousands of cartridges and other improved means to continue the struggle, and it will continue until you are convinced of your error."

Our friend, Admiral Dewey, will undoubtedly have something to say to your President when he reaches home. He caught the genius of the Philippine people, and if he had been left alone many valuable lives would have been spared and many millions of

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treasure saved. Be convinced, the Philippines are for the Filipinos. We are a virile race. We have never assimilated with our former oppressors, and we are not likely to assimilate with you.

Negros and Cebu are wavering in the balance uncertain whether or not to continue under your jurisdiction. We know how all that came to pass and the intrigues in Manila. Your newspaper correspondents know it also. But I am violating the commands of Gen. Otis by letting you into the secret. Meanwhile, I subscribe myself

SEMPER VIGILANS.

Paris, August, 1899.

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